

whether you can get into a queue where the amendment will be called. If there is a pending germane amendment filed precloture, it may take precedence in terms of being called, and you may not have an opportunity. I think you have a right under our rules to offer germane amendments post-cloture. Whether you will have a chance to call those for a vote depends on the process on the floor.

Mr. SPECTER. Well, as we have seen in so many situations, and where I have been willing to concede error on both sides of the aisle, I am not going to seek to defend preventing votes on relevant, germane amendments, whether they are offered by Senator FEINGOLD or Senator KYL, or anybody else. That is just not the way the Senate ought to be run. I am glad to note that the Senator from Illinois didn't hear my answer. He was talking, which he has a right to do.

Mr. DURBIN. I apologize to the Senator, who is very patient. I will listen to his remarks.

Mr. SPECTER. It is not worth repeating. It is my hope that sanity may yet return to this Chamber. If it existed, it has certainly departed. We have, in all seriousness, a bill before us that is enormously important.

Senator DURBIN spoke at some length a few moments ago, and I agree with most of what he said. We have a tremendous problem in this country with undocumented aliens. We need to get a handle on what is going on. We need to not have a fugitive class in America that is being exploited by employers. We need to control our borders. We have a serious problem with terrorism. We have a serious question whether the people coming into this country are taking American jobs or depressing American wages. We are simply not dealing with it.

To have the Senate floor empty, and we are going to have a quorum call most of the time unless people come over and talk about ideas, which are fine but are not advancing the progress of this bill. I think it is important that our constituents know we are at an impasse because of technical reasons advanced by the Democrats. I do not say that in a partisan sense. I have voted for many Democratic proposals and for many of President Clinton's judges and across the line on many occasions when I thought the ideas merited it, not as a matter of party loyalty.

The Democrats are stonewalling this bill and no one is even on the floor to defend them, so I will not attack them anymore.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I want to pose a question to the distinguished minority whip. Last Thursday, I offered amendment No. 3215, which is second in line after the Kyl amendment. I have listened intently to the distinguished Senators from Illinois with regard to the objections they have ex-

pressed to the Kyl amendment. I have not heard them say what their objection is to amendment No. 3215.

I ask the Senator from Illinois this question: Amendment No. 3215 is a simple amendment, which says that any provisions of this act which grant legal status to someone who is here illegally do not take effect until such time as the Secretary of Homeland Security has certified to the President and the Congress that our borders are reasonably secure.

Now, I would like to hear what objection someone would have to the United States of America living up to its responsibility of securing our borders?

Mr. DURBIN. Mr. President, I say to the Senator from Georgia, I think it would be an interesting debate. We may reach that debate as to what is reasonably secure. There are some, as I understand it, 300 million people who cross our border with Mexico every year in legal status, for commercial purposes and otherwise, and whether we are secure under the Senator's amendment, I would have to listen to his arguments on who makes the certification and what are the standards for that.

If we had a situation where the fate of millions of people hinged on a subjective decision about reasonable security, I think that would raise some questions about whether we are moving forward and whether people would say: I can step out of the shadows now and I think at this point I am prepared to tell you who I am, where I live, where I work, and here are my records. If there is this uncertainty, at any given time you could stop the process.

I say to the Senator from Georgia, it would be an interesting debate and I am anxious to hear his side of the argument.

His is 1 of 100 amendments that have been filed. One of his other amendments we are prepared to take up immediately. I don't think that is the same one. We are prepared to take that up because we think it would move the bill forward in a constructive, bipartisan way.

I would like to hear the Senator's argument before making a final decision.

Mr. ISAKSON. Reclaiming my time, my response to the Senator would be that I am not an attorney, but I spent 33 years in the real estate business. I saw the term "reasonable attorney's fees" on more documents than the law would allow. I never met an attorney who could not describe what reasonable attorney's fees meant. I think we can find a lot of people in the Senate who understand that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, I ask unanimous consent to speak as in morning business for a few moments.

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

## NEGRO LEAGUES BASEBALL MUSEUM

Mr. TALENT. Mr. President, I would like to take a few minutes to talk about last night's passage of S. Con. Res. 60, a resolution that designates the Negro Leagues Baseball Museum in Kansas City, MO, as America's National Negro Leagues Baseball Museum. I can't think of a more appropriate time of the year to have passed this landmark legislation than this week—opening week of the 2006 baseball season. The passage of this historic resolution will allow an already fantastic museum to grow and become even better.

That would be reason enough to pass a resolution here were the museum on any other subject. But on this subject, which is so significant to the history of America, it made the resolution, I think, even more important. I am grateful to the Senate for passing it last night.

Many of baseball's most noted stars of the past century got their beginnings in the Negro Leagues. Greats such as Hank Aaron, Ernie Banks, Roy Campanella, Larry Doby, Willie Mays, Satchel Paige, and of course, Jackie Robinson eventually brought their fast-paced and highly competitive brand of Negro Leagues baseball to the Major Leagues. In fact, much of the fast-paced style of baseball today is owing to the influence of the Negro League's brand of ball.

Unfortunately, before the color bar was broken, many skilled African-American ballplayers were never allowed to share the same field as their White counterparts. Instead, such players played from the 1920s to the 1960s in over 30 communities located throughout the United States on teams in one of six Negro Baseball Leagues, including teams in Kansas City and St. Louis in my home State of Missouri.

The history of these leagues is an interesting one. In the late 1800s and early 1900s, African Americans began to play baseball on military teams, college teams, and company teams. The teams in those days were integrated. Many African Americans eventually found their way onto minor league teams with White players during this time. However, racism and Jim Crow laws drove African-American players from their integrated teams in the early 1900s, forcing them to form their own "barnstorming" teams which traveled around the country playing anyone willing to challenge them.

In 1920, the Negro National League, which was the first of the Negro Baseball Leagues, was formed under the guidance of Andrew "Rube" Foster—a former player, manager, and owner of the Chicago American Giants—at a meeting held at the Paseo YMCA in Kansas City, MO. Soon after the Negro National League was formed, rival leagues formed in Eastern and Southern States and brought the thrills and the innovative play of the Negro Leagues to major urban centers and

rural countrysides throughout the United States, Canada, and Latin America.

For more than 40 years, the Negro Leagues maintained the highest level of professional skill and became centerpieces for economic development in their communities. The Negro Leagues constituted the third largest African American owned and run business in the country in those days. They brought jobs and economic activity to many of the cities around the United States and played in front of crowds of ten, twenty, thirty, forty, and even fifty thousand people. These crowds were integrated. White and Black fans came to watch the Negro Leagues, and they sat together.

In 1945, Branch Rickey of Major League Baseball's Brooklyn Dodgers recruited Jackie Robinson from the Kansas City Monarchs, which made Jackie the first African American in the modern era to play on a Major League roster. That historic event led to the integration of the Major Leagues and ironically prompted the decline of the Negro Leagues because, of course, Major League teams began to recruit and sign the best African-American ballplayers.

If you stop and think about it, the integration of baseball was the first of the major events in the civil rights movement in this country—well, not the first, because that movement, of course, had begun early in the last century. But it was the first significant widely known event. Baseball was even more than it is today America's game. The effect of this on the national consciousness, the progress that made toward equality and justice for all people, cannot be underestimated. That event occurred because of the Negro Baseball Leagues. Without those leagues, we would not have the pool of ability and excellent baseball players from which Branch Rickey was able to draw when he came to an agreement with Jackie Robinson. Ironically, though, that event, which led to the integration of the Major Leagues, prompted the decline of the Negro Leagues, because Major League teams began to recruit and sign the best African-American players.

The last Negro Leagues teams folded in the late 1960s. Much of the storied history of these leagues was packed away and forgotten until 1990 when the Negro Leagues Baseball Museum was founded in Kansas City, MO, to honor the players, coaches and owners who competed in Negro Leagues Baseball. This museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the participants of the Negro Leagues from the 1920s through the 1960s.

It is not a hall of fame, Mr. President. We don't want it to be a hall of fame. The Negro Leagues' baseball players belong in the Major League Hall of Fame. They were segregated long enough. It is a museum that exists

in order to educate and enlighten people, and to allow them to enjoy the experience of the Negro leagues in the United States.

Today the museum educates a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants of the leagues. The museum uses onsite visits, traveling exhibits, classroom curriculum, distance learning, and other initiatives to teach the Nation about the honor, the skill, the courage, the sacrifice, the humanity, and the triumph of the Negro Leagues and their players.

This resolution designates the Negro Leagues Baseball Museum in Kansas City as America's National Negro Leagues Baseball Museum. This designation will assist the museum in its efforts to continue the collection, preservation, and interpretation of the historical memorabilia associated with the Negro Leagues. This effort is a must if we hope to enhance our knowledge and understanding of the experience of African Americans and the African-American ballplayer during the trials and tribulations of legal segregations.

The full story of the Negro Leagues should be preserved for generations to come and the passage of this legislation gives the museum another tool to do just that.

I highly recommend a visit to the Negro Leagues Baseball Museum for anybody who is in Kansas City. Whether you are a baseball fan or not, you will be moved by what you see and the stories you are told at the museum. You will be encouraged and inspired in every way by seeing how these players confronted the injustices of their times, and with great spirit and energy overcame all obstacles placed in front of them.

This museum is a first-class operation of 10,000 square feet in the historic 18th and Vine neighborhood in Kansas City. It entertains 60,000 visitors a year. There is a number of key features to the museum, but I think the passage through which you can walk and see a timeline of the Negro Leagues' development, and then next to it a timeline of important events in American history and the civil rights movement, is very enlightening and very moving. You will learn about these leagues and the players as people, and through that and through their experiences, you will learn about the times. These were not downtrodden men who played in this game, nor were the owners or the fans.

They were joyous. They played a game they loved, and they played it extremely well. Yet in the context of everything they did was the legal and social situation in the United States they were battling, over which they eventually triumphed.

Those who visit will be encouraged and inspired by seeing how those players confronted the injustices and other difficulties of their time with great

spirit and energy and overcame the obstacles in front of them.

I congratulate everybody at the museum who continues to work so very hard to make sure the story of the Negro Leagues is a piece of history that is preserved for future generations. The passage of this legislation is an important way to honor the museum, its employees, all its volunteers and supporters for their years of tireless advocacy on behalf of the baseball legends of the Negro Leagues.

I especially thank and congratulate Don Motley, Bob Kendrick, Annie Pressley, and Buck O'Neil of the Negro Leagues Baseball Museum for their dedication and assistance in passing this resolution.

I also thank Senator DURBIN for cosponsoring this resolution with me and others who cosponsored it as well.

I am not going to take up much more time of the Senate. I know we are taking a little break from the important immigration debate, but I can't pass up the opportunity to put in a good word about my friend Buck O'Neil and the tremendous work he continues to do for the Negro Leagues Baseball Museum. Buck is a true American treasure whose illustrious baseball career spans seven decades. It has made him one of the game's foremost authorities and certainly one of its greatest ambassadors.

I am not going to go through all of Buck's statistics as a player, as a manager in the Negro Leagues, or as the first African American who became a coach in the Major Leagues. He did so with the Cubs. In that capacity, he discovered superstars such as Lou Brock, for which I am very grateful. If he had been in control of the Cubs' front office, they would not have traded Lou Brock to the Cardinals for Ernie Broglio in 1964, and they might have won a couple pennants themselves. So I am grateful Buck was not the Cubs' general manager at the time. I don't think he would have made that mistake.

In 1988, after more than 30 years with the Cubs, he returned home to Kansas City to scout for the Kansas City Royals.

Today Buck serves as chairman of the Negro Leagues Baseball Museum he helped to found. The work he has done after he retired from the game may be even more significant to the history of baseball than his exploits as a player or manager. Nobody has done more to build this museum and to call the rest of us to remember the significance of Negro Leagues Baseball than Buck O'Neil.

He has reminded us that the leagues are significant in so many ways on so many different levels. They represent a triumph of the human spirit, tremendous sportsmanship, high quality of play, and were of vital importance to the African-American community of the time, and they led directly to the integration of the Major Leagues.

The work of Buck O'Neil and the museum led the Hall of Fame to hold special elections earlier this year to elect a class of Negro Leagues and pre-Negro Leagues ballplayers into the 2006 Hall of Fame induction class. On February 27, 2006, the Hall of Fame in Coopers-town announced that 17 former Negro Leagues and pre-Negro Leagues players and executives would be inducted into the Hall of Fame in July 2006. That was largely because of the efforts pushed by Buck and the Negro Leagues Baseball Museum and concurred in by Major League Baseball. It was a bittersweet day for me and many of us in Missouri because the one name missing from that list of 17 players and executives was Buck O'Neil.

I certainly think there is nobody who meets the criteria for induction into the Hall of Fame more than Buck. If you look at his statistics on the field as a player, his years as a scout, his years as a manager and a coach, even more than that, his years as an ambassador for baseball, a happy warrior for the Negro Leagues and the Negro Leagues Baseball Museum, it more than qualifies him for admission into the Hall of Fame. I hope we can find some way to correct this oversight quickly.

In closing, I thank the Senate for its patience. I thank my friend and colleague from New Mexico, Senator DOMENICI, for his assistance and support in moving this legislation swiftly through the Energy Committee.

I thank the colleagues who supported the legislation and allowed it to pass by unanimous consent last night. The story of the Negro Leagues is a story of true American heroes who contributed to this Nation on and off the field and confronted life with courage, with sacrifice, and eventually with triumph in the face of injustice. I hope the Members of the Senate will take an opportunity when they are in the area to learn more about these heroes by visiting what I hope and believe will soon become known as America's National Negro Leagues Baseball Museum in Kansas City, MO.

I thank the Senate, and I yield the floor.

Mr. SESSIONS. Madam President, if I may ask a question of the Senator.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator TALENT for his leadership on this important issue. As a person who lives in Mobile, AL, I am proud of Satchel Paige. I assume he will be in the museum.

Mr. TALENT. Yes; he has a big place in the museum.

Mr. SESSIONS. Satchel Paige was denied the right to fully participate in American baseball until the very end of his career. That was a tragedy. It was really a tragedy. It is something our Nation cannot take pride in and should feel great sadness over. A number of other Negro Leagues players came from Mobile, which is a great bastion

of baseball excellence, including Willie McCovey and Hank Aaron, among others, who developed out of that history of excellent baseball.

I thank the Senator from Missouri for his leadership. I think it will be an important addition to our national heritage to have this museum.

Mr. TALENT. I thank the Senator for his comments.

Mrs. BOXER. Madam President, today I wish to pay homage to Buck O'Neil a splendid athlete, a peerless ambassador of baseball, and a wonderful man who has become an American icon beloved by millions.

Many people first got to know Buck O'Neil as a major contributor to "Baseball," Ken Burns's landmark documentary on our national pastime. While narrating the history of the Negro Leagues and the breaking of the color line in Major League Baseball, Buck passed along not only his prodigious knowledge of baseball and the society it helped to change forever but also his indomitable spirit, joy of living, and love of the game.

Before becoming a television star, Buck O'Neil was a baseball star in the Negro Leagues. As a first baseman and manager between 1937 and 1955, he played on nine championship teams and three East-West All Star teams, won a batting title, starred in two Negro Leagues World Series, and managed five pennant winners and five All Star teams. As manager of the Kansas City Monarchs, he mentored more than three dozen players who eventually made it to the Major Leagues.

In 1962, Buck O'Neil became the first African-American coach in the Major Leagues, where he helped the Chicago Cubs' Ernie Banks, Billy Williams, and Lou Brock develop the skills that led them to the Baseball Hall of Fame.

Today, at age 94, Buck is still bubbling over with enthusiasm for baseball, life, and his fellow human beings. He continues to serve on the Veterans' Committee at the Hall of Fame and as chairman of the Negro Leagues Baseball Museum in Kansas City.

On May 6, 2006, the San Diego Padres will honor Buck O'Neil as part of their Third Annual Salute to the Negro Leagues. I am honored that this statement will be a part of that salute, and I send my great admiration and appreciation along to Buck O'Neil and all of the other great players of the Negro Leagues.

Mr. President, I know that you and all of our colleagues in the U.S. Senate will join me in sending our best wishes to Buck O'Neil for this very special day and for many more years of great service to baseball and the Nation.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I thank my colleague from Missouri as well for his great words on behalf of the contribution to baseball that has been made by some of our country's finest sportsmen.

I thank my colleague from Alabama, Senator SESSIONS, for his good work in

this Chamber. I also note he and I were participants in a codel that just went into Iraq and Afghanistan. The issues we face around the world on national security are so important that it is going to require a coming together of our country to make sure we are working toward the creation of a better, safer, and more secure world.

I want to speak briefly to the bill that is currently before this Chamber, and that is the immigration reform bill in its comprehensive form that came out of the Senate Judiciary Committee. I believe from a national security and homeland security perspective this Chamber is working on one of the most very important issues facing our Nation today, and that is the issue of making sure we take our broken borders and the lawlessness coming across the borders and create a system that is comprehensive in nature to address that lawlessness.

I believe the legislation which came out of the Judiciary Committee does that, and it does so by making sure, first and foremost, that we are strengthening our borders, and secondly, making sure that within the interior, we are creating the kind of immigration law enforcement program that is going to be effective; that looking at the immigration laws and simply ignoring them is a chapter which will go away if we are able to get our hands around passage of this bill. And finally, dealing with the reality of the 11 million workers in America—those workers who toil in our fields, those workers who work in our restaurants, those workers who work in our factories, and all of those who make the kind of lifestyle we have in America possible—we need to address those issues with respect to what some have said is the big elephant in that room, and we need to do it in a thoughtful and humane manner that upholds the rule of law of our Nation.

I want to speak briefly about the importance of border security and what this legislation does.

In the days after 9/11, when we have hundreds of thousands of people coming into this country, without any sense of where they are coming from, whether they come here to seek a good job and to be a part of the American dream, or whether they come as terrorists across the border, it makes the statement that we need to make sure we are doing everything within our power to strengthen those borders. This legislation out of the Judiciary Committee does exactly that. It does so by adding 12,000 new officers to make sure our borders are being patrolled. We go from a staff level of about 12,000 Border Patrol officers up to an additional 12,000 and that will get us to almost 25,000 people who will be deployed along our borders to make sure we can enforce the law.

It creates additional border fences in those places where we know now there are significant streams of illegal and undocumented workers coming back

and forth across the borders. So it creates those additional fences.

It creates virtual fences by deploying the kind of technology that allows us to detect movement across our border.

It also makes sure we create the avenues for checkpoints and ports of entry so we don't have the massive backup on the borders on either side.

I believe the border security aspects of this legislation are where Republicans and Democrats should come together in the name of national and homeland security, and we should be supportive of this legislation for that very purpose.

Second, this legislation is also about enforcing our laws. It is about making sure we have an immigration system where everyone in our country is standing up for enforcing the rule of law.

We will do that by providing an additional 5,000 new investigators to make sure those laws are being enforced. Today there are many violations of our immigration laws that are taking place across every one of our States in America, and yet our immigration laws simply are on the books. They are not being enforced. A law on the books that is not being enforced is almost like not having a law at all. So what we will do is hire 5,000 additional investigators and create the law enforcement capacity to make sure those laws are being enforced in the interior.

In addition, when apprehension occurs of someone who is here illegally, it is difficult to find a place to house these individuals until they are deported. This legislation calls for an additional 20 detention facilities. Those 20 detention facilities will give us the capacity to process those who are breaking the laws of immigration.

The legislation also addresses a very important issue that is critical to State and local governments. State and local governments have been dealing with the influx of undocumented workers and illegal aliens in our country for a very long time. Yet there has been no system providing them compensation for what they are doing to try to enforce the laws at the State and local level, essentially on behalf of the Federal Government because this is a Federal issue, after all. What this legislation will do is provide reimbursement for the States for the detention and imprisonment of criminal aliens.

The legislation also requires a faster deportation process. I go back to the old adage of justice delayed is sometimes justice denied. We have people who are sometimes waiting in the system for months and months and years and years without coming to any kind of resolution. This legislation will require a faster deportation process.

There are significant provisions in this legislation that will make additional criminal activity for gang members, money laundering, and for human traffickers. We know human trafficking across the borders creates tremendous hardship on people. It also de-

means people and results in the deaths of many people. We know there is gang activity along the border that deals with drug trafficking and a whole host of illegal activity. We need to make sure those involved in that kind of criminal activity are brought to justice.

Finally, in terms of enforcing our immigration laws, it is important we address what has become an industry in this country in terms of production of fraudulent documents and identification cards used in this country. President Bush's wish to create a tamperproof card that will go along with this guest worker program is a step in the right direction because it will get us to the point where we will have a tamperproof card and we can avoid the identity theft and identity fraud we see going on in this arena.

Finally, I want to address a third point in what I consider to be this law and order bill, and that is our penalties that come along with this legislation for the 11 million undocumented workers who are in this country. There is a monetary penalty that is applied. In addition, unlike all Americans, there is a requirement that those who are here and undocumented have to register, and they must register on an annual basis. For all of us who are Americans, there is no requirement of registration. If we don't want to have a Social Security card or if we don't want to have a license or if we don't want to be a part of the Government, our right as an American citizen is not to register. For this group of people, we are going to require them to register with the U.S. Government.

There is a whole host of other things that is required of these 11 million people, including the requirement that they learn English, including the requirement that they pass a criminal background check and that they pass a medical exam, and the list of requirements goes on and on and on. I believe the legislation that was produced by the Judiciary Committee is, in fact, a law and order bill. It addresses a very fundamental issue that is of paramount importance to all of us in this Nation and that is the security of our Nation and the security of our homeland.

Finally, I conclude by making a statement about the humanitarian issues that ought to concern all of us with respect to our broken borders. I heard my good friend Senator JOHN MCCAIN at the outset of the consideration of this legislation by the Senate a few days ago, talking about what he had seen in Arizona and how the Arizona Republic had reported that, I believe it was in 2004, 300 people had been found in the desert. Later he discussed how in the following year there were some 406 or 407 people who had been found dead in the desert, people who had died of thirst and hunger, rape and pillage and murder, out in the desert. Perhaps it is only in America when we see those kinds of conditions that we as an American society say, That

ought to be unacceptable to us as a country. How can we have 300, 400, 500 people a year die in the deserts of Arizona? That is the kind of inhumanity that ought to cause all of us as leaders in our country and all of us in our society to say, We must do something about this.

I was moved by Senator MCCAIN's description of some of the people who were dying in the desert, including the story of the 2-year-old girl who had died in the desert and the 13 year old who had died clutching her rosary in that desert in Arizona.

I believe America can, in fact, come to grips with this problem. I believe we have an opportunity here in the Senate to deal with this issue. I am very hopeful my colleagues, both my Democratic colleagues and Republican colleagues, who are working on this issue will not let this historic opportunity we have pass us by. It is this time, it is this day, it is this week where I believe we as a nation can come together and develop comprehensive immigration reform that is long term and that will be long lasting.

Madam President, I yield the floor.

Mr. SESSIONS. Madam President, I thank Senator SALAZAR. We did indeed have a most important trip to Iraq, Afghanistan, Pakistan, and Turkey, and were able to delve into some of those matters that are so important to our national security and check on the quality of care our troops are receiving. I enjoyed that very much. He is a fine addition to our Senate. I think we have a lot of agreements on this legislation, and some disagreements. I appreciate the opportunity we have to discuss these issues.

This debate is often centered around whether we are dealing with amnesty here, and I believe this legislation, by all definitions, is amnesty. But first I want to ask the question: Why is this so? Why is it that people care about whether we use a word such as "amnesty" to describe what this legislation that is before us today is? Why is that important?

It is important because most of us, when we were out campaigning for election, promised not to do amnesty again. Many people in this body who voted for the 1986 amnesty bill agreed it was amnesty and said they wouldn't do it again. The President of the United States, President Bush, despite all of his intentions to try to enhance legal immigration in our country, has always said he did not favor amnesty. So that is the deal. I think the American people have a right to expect that those they elect to office will honor what a fair interpretation of the meaning of that word is. If you promise not to support amnesty, then you shouldn't support a bill that is amnesty.

You can redefine words to make them mean most anything you want. My definition of an activist judge is a person who redefines the meaning of words to have them say whatever he or she would like them to say so they can

accomplish a result they consider to be desirable. But words do have meaning. We can have some understanding of what these issues are about, and I want to discuss it in some detail.

Senator KENNEDY said:

Many have called this adjusted status amnesty. I reject it. Amnesty means forgiveness, not pardon.

Well, I don't know exactly what that means. He said: This bill is not amnesty.

He goes on to say: "Amnesty is not a pardon."

Senator DURBIN, the assistant Democratic leader, said: "Amnesty basically says, We forgive you."

He goes on to say:

Amnesty, very simply, is if you have been charged and found guilty of a crime, amnesty says, we forgive you. We are not going to hold you responsible for your crime.

But only if you have been charged and found guilty, apparently.

Senator FEINSTEIN says: "Amnesty is instant forgiveness, with no conditions. And there are conditions," she says, "on this" bill.

Senator SPECTER said:

Amnesty is a code word to try to smear good-faith legislation to deal with this problem. It is not amnesty because the law-breakers have not been unconditionally forgiven of their transgressions.

And Senator MCCAIN said also:

There is no requirements. There must be no requirement whatsoever to call this bill amnesty.

He said:

Amnesty is simply declaring people who entered this country illegally citizens of the United States and imposing no other requirements on them. That is not what we do, Mr. President.

So in an effort to redefine this situation to mean what they want it to mean, they have said unless there is no condition whatsoever, you can't have amnesty. But people agreed that 1986 was amnesty and placed quite a number of conditions—some more significant than the ones in this bill—on those who were given amnesty.

Those of us who are familiar with the law world—I served as a lawyer the best I could for a number of years, and I know Madam President is a lawyer—we know what Black's Law Dictionary is. It is a dictionary lawyers use to define words in their legal context. Black's Law Dictionary, as part of its definition of the word "amnesty," says this:

The 1986 Immigration Reform and Control Act provided amnesty for many undocumented aliens already present in the country.

Black's Law Dictionary, the final definition of legal words, says the 1986 Immigration Reform and Control Act provided amnesty for people here. It had conditions on it. It had some conditions on it; it just didn't have many conditions on it. So everybody recognizes it as basically amnesty, and that is why they called it that.

Again, I am not trying to use a code word here. What I am saying is there is

a systematic effort in this body to redefine the definition of amnesty so they can tell their voters back home that although they opposed amnesty, this bill is not amnesty, and that is why they voted for it. That, unfortunately, I would have to say, is where we are.

What does the Democratic leader in the Senate, Senator HARRY REID, say about what amnesty is? Does he say that 1986 was amnesty and it had quite a few restrictions on the movement to full benefits of citizenship in the United States? This is what the Democratic leader says. This is what he said on September 20, 1993, when making a speech on the floor in the Senate; it is part of the CONGRESSIONAL RECORD. He said:

In 1986 we granted amnesty, and I voted against that provision in law. We granted amnesty to 3.2 million illegal immigrants. After being in this country for 10 years, the average amnesty recipient had a sixth-grade education, earned less than \$6 an hour, and presently qualifies for the earned-income tax credit.

The earned income tax credit is if you don't make enough money to pay income taxes and don't pay income taxes, not only do you not have to pay them but they give you money back. The average benefit for a person who qualifies for the earned-income tax credit, I would say parenthetically if anybody is interested, is \$2,400 per year.

So that is what Senator REID had to say about it in 1993, that the 1986 law was amnesty. I don't think anybody disputes that 1986 was amnesty.

He made another speech. We have a chart and I want to refer to it because I want to drive this point home. On March 10 of 1994, the Democratic leader in this body today, Senator REID, said this:

In 1986, Congress gave amnesty and legal status to 3.1 million individuals not lawfully residing here. . . . Even after Congress has passed massive legalization programs, millions of individuals do not lawfully reside in the United States today.

That was true in 1994, a mere 8 years after the bill passed.

He continues:

And many more continue to cheat the rules and continue to enter unlawfully.

That is a true statement, I submit, this very day.

So did the Democratic leader have any doubt that 1986 was an amnesty law? I don't think so. In fact, everybody knows it was. That is what we defined it as.

I want to go over some of the provisions in that act and compare it to the provisions in today's act. Let's talk honestly here. There is no mystery here. I would submit, as several of the proponents of this legislation have tried to do, that you only have amnesty if you put no condition whatsoever on the person who is here illegally—and they put some conditions on those persons. Therefore, they say, Oh, no, I know we promised not to pass am-

nesty, but this isn't amnesty because there are conditions on the people who are here illegally. So there is no way to do this but go over it truthfully and analyze it and see what the facts are.

This was passed in 1986. What did it require, this amnesty of 1986? It required continuous unlawful residence in the United States before January 1, 1982. That is 4 years before the passage of the 1986 act—more than 4 years, because I am sure it didn't pass January 1. So for more than 4 years you had to be here unlawfully before this act applied to you. That is a restriction, isn't it, on amnesty, under the definition of those who want to say the current act is not amnesty?

But what does the 2006 act say? Physically present and employed in the United States before January 7, 2004—employed in the U.S. since January 7, 2004; continuous employment is not required. So the key date here is that you have to have been in the country before January 7, 2004. So we are requiring under this bill that you have to live in the country illegally for 2 years before you get on this amnesty track.

Under the previous law, they required 4 years. So with regard to 1986, I think it is a tougher standard, I submit, than we have in today's standard. I don't think anybody can dispute that.

Then you have a fee. They say they are paying a fine, a big fine. Well, in the 1986 act, they say there will be a \$185 fee for the principal applicant, \$50 for each child, a \$420 family cap. Now we have a \$1,000 fine, but it does not apply to anybody under 21 years of age; they don't pay anything. They paid \$50 per child back in 1986. They don't pay anything. I submit that is about a wash. There is a little difference in money. You had an inflation rate; what difference is \$1,000 to \$420?

Both of them say you should meet admissibility criteria. That means, I suppose, that you are not a felon. That is one of the main criteria. Both of them said that. Surely we are not going to be taking in felons into the country. In fact, regarding this bill to which Senator KYL and CORNYN have offered an amendment—which apparently is being blocked by Democratic Leader REID from ever getting a vote—they are contending that this criminality requirement is not in this bill. In fact, this bill is weaker than the 1986 bill on the question of that issue of whether you have a criminal record.

In 1986, people were worried about welfare claims and so forth, so they put in language that said you are ineligible for most public benefits for 5 years after your application. They said if you are going to come here to be a citizen of the United States, we do not want you come here to claim welfare. We are going to prohibit you from claiming welfare for at least 5 years. After that, if you get in trouble and you need help, we will help you. But you have to come here not with a desire to gain welfare benefits in our country which exceed the annual income of most people in a

lot of areas of the world. So they put that in. There is no such requirement in our bill. None of that. You can immediately go on welfare, presumably, under the legislation that is before us now.

It does require a background check and fingerprinting, but presumably that was done in 1986, also. But it focuses really on the crimes a person may have committed while they were in the United States. I don't think it has a mechanism under this act to actually go back to the country of origin—whether it is Brazil or Canada or Mexico—to see if they have a criminal history there. That is a weakness in the system. But even if it does, those systems are so immature and non-existent, it would not be very effective, I suggest.

This requires an 18-month residency period. This one authorizes immediately a 6-year stay in the country. So they said you have to stay 18 months before you make your application for adjustment to permanent resident status. In this bill, you have to stay 6 years, so that is tougher. And you have to work. What are people here for if not to work? Spouses and children don't have to work. People are here to work. It is only a minimal work requirement—not continuous employment—and the proof level is very weak. Regardless, presumably the people who are here want to work, and they ought to be able to prove that they have.

Then you adjust to permanent resident status. That is the green card. In 1986, it required English language and civics. So, in 2006, it is English language and civics, a medical exam, payment of taxes—really? Presumably the people are paying their taxes. And Selective Service registration. So you earn your right to stay in this country by coming into the country illegally and paying your taxes. Thanks a lot.

Then the final step is, in 1986, you paid an \$80 fee, \$240 for a family. In this bill, it is a \$1,000 fee and an application fee.

All I am saying is, if you add those up, I don't think a principled case can be made that 2006, in terms of conditions of entry and amnesty in our country, requires any more stringent requirements on them than in 1986, which Senator REID and everybody else, including "Black's Law Dictionary," have concluded was amnesty.

I say to my colleagues, I would be very dubious of someone who comes up to you and says: Now, Senator, I know you promised in your campaign repeatedly, just as President Bush did, that you would not support amnesty. Don't worry about it. This bill is not amnesty.

I am telling you, the American people are pretty fairminded, and they know perfection is not possible for any of us. But this has not been an issue which has not been discussed. Everybody has talked about the failure of the 1986 bill. As a result, we wanted to do something different. We said we

were not going to do that again and we were not going to grant amnesty. I submit this bill does. I wish it were not so.

We can pass legislation that will work. I have repeatedly said we can pass legislation that has good enforcement. We can pass legislation that provides fair treatment to the millions of people who are here. They are not all going to have to be removed from our country and be arrested and prosecuted. That is not so. That is not part of any plan here. But we do need to recognize that we should not give every single benefit to someone who came illegally that we give to those who follow the law and come legally.

Senator LEAHY, who says this bill is not amnesty, even admits this is amnesty in 1986. He says:

Opponents of a fair comprehensive approach are quick to claim that anything but the most punitive provisions are amnesty.

I am not claiming that.

They are wrong. We had an amnesty bill. President Reagan signed an amnesty bill in 1986.

I suppose he voted for it.

This is not an amnesty bill. Our bill is more properly called what it is, a smart, tough bill. The amnesty bill was signed by President Reagan in 1986, and this is different.

But it is not different. Fundamentally, it is the same thing. I submit that is indisputable, and that is why we have a difficulty here. Some of those masters of the universe, sitting up in those glass towers who write editorials, and the Chamber of Commerce, they don't understand what it is like to campaign for office, look your voters in the eye, and discuss directly with them the issues facing our country, and to make commitments to them about what you are going to do once you get elected. They can redefine the meaning of words and think that is just fine. They can just say whatever they want to and then write their editorials. But they don't have to answer to the people they looked in the eye and directly told they would not support amnesty.

In fact, the President, despite his drive to fix immigration and to enhance the flow of immigration into our country, has said a direct path to citizenship—by Scott McClellan, just less than 2 weeks ago. Scott McClellan said a direct path to citizenship and amnesty are two things they don't favor.

Why is this important? After 1986, we ended up with a big problem. Things were not working well in our country. So 6 years after this happened, in 1992, we did an evaluation by an independent commission of that part of the act which dealt with agricultural workers as part of the Immigration Reform and Control Act. That was the name of it, the "Immigration Reform and Control Act." We told American voters—or those in the Congress at that time did—that we are going to control the immigration system.

The congressionally created Commission on Agricultural Workers issued a

report to Congress that studied the effects of the 1986 agricultural amnesty on the agricultural industry. They did a study on it because Congress wanted to find out what had really happened with regard to that legislation they had passed. One of the first things the Commission acknowledged was that the number of workers given amnesty under the bill had been severely underestimated. They said this:

The SAW program legalized many more farm workers than expected. It appears that the number of undocumented workers who had worked in seasonal agricultural services prior to the Immigration Reform and Control Act was generally underestimated.

That is page 1 and 2 of their report, the executive summary.

What else did the Commission find? Did it tell us that the 1986 amnesty of 3 million farm workers solved our agricultural labor problems? Was that the fix that people thought it would be? How did it work?

No, their answer was this:

Six years after the IRCA was signed into law, the problems within the system of agricultural labor continue to exist. In most areas, an increasing number of newly arriving, unauthorized [illegal] workers compete for available jobs, reducing the number of work hours available to all harvest workers and contributing to lower annual earnings.

That is page 1 of the Report of the Commission of Agricultural Workers, executive summary.

What did the Commission recommend that Congress do? What did they recommend, this independent, bipartisan Commission? Did the Commission recommend that we pass a second legalization program such as the one for agricultural jobs that has been made a part of this bill, offered in committee and is now part of the committee bill that is on the floor? Did they recommend that as a second program to solve the illegal alien agricultural workforce dilemma that was still in existence in 1992, 6 years after the amnesty that was supposed to end all amnesties occurred?

No, the Commission concluded just the opposite. They found:

The worker-specific and industry-specific legalization programs as contained in the Immigration Reform and Control Act should not be the basis for future immigration policy.

That is page 6 of their report.

What did the Commission suggest that Congress should do? They concluded that the only way to have a structured and stable agricultural market was to increase enforcement of our immigration laws, including employer sanctions, and to reduce illegal immigration.

You talk to anybody on the street, and they will tell you the same thing. You talk to Americans. Overwhelmingly, 80 percent believe we are not enforcing the laws effectively on our borders, and any legalization today without an effective enforcement program in the future will bring us back to an amnesty situation just like we face now, just like they faced in 1986.

The Commission said this:

Illegal immigration must be curtailed. This should be accomplished with more effective border controls, better internal apprehension mechanisms, and enhanced enforcement of employer sanctions. The U.S. Government should also develop a better employment eligibility and identification system.

This was 1993, 13 years ago. What has been done about it? Let me repeat that. We need to establish a:

... better employment eligibility and identification system, including a fraud-proof work authorization document for all persons legally authorized to work in the United States so that employer sanctions can more effectively deter the employment of unauthorized workers.

What a commonsense statement that is. Wasn't that what they promised back in 1986 when we were going to have an amnesty to end all amnesties? Remember that they said this would be a one-time amnesty and we were going to fix the enforcement system and therefore the American people would go with us on that. We are going to do this one-time fix and be generous to those who violated our laws. But trust us, we are going to fix the enforcement system in the future. That is what happened.

We have known that for 14 years—that the key to securing our borders and ending illegal immigration includes more border enforcement, more interior enforcement, and a foolproof worksite verification system. Still, we are not prepared to do that. We are told we should do the same thing we did in 1986 on a much larger scale.

I note that in 1986, we estimated there were 1 million people here who would claim amnesty. That is what people were told when the bill passed. After the bill passed, how many showed up? Three-point-one million people, three times as many.

I don't know where they are saying 12 million people, and that is how many will be given amnesty now, not 1 million. They are saying there will be 11 million and that those would all be given a direct path to citizenship.

Let me point this out. When you adjust to permanent resident status, you get a green card. You are able to stay here permanently, as long as you live here, and after a period of time—5 years—you can make application and you become a citizen. If you haven't been convicted of a felony in the meantime, presumably if you don't pay your taxes and don't get caught for it or don't get convicted of it, you can still do so. Presumably you are drawing welfare or Medicare benefits and those things, you can still make application.

We added up the years. Maybe about 11 years in this process, 10 years, maybe, in the 1986 act, and about 11 years in process. They are saying it takes 11 years for you to become a citizen. That is what it took for anyone who came here in the first amnesty and became a permanent resident. They didn't get to become a citizen the next day; they had to go through the same process as this amnesty requires.

Let me explain why 1986 was a failure and why we can have every expectation that 2006 will be a failure. I am going to be frank with our Members. I don't believe this is an extreme statement. I am prepared to defend it. I believe everyone here who is honest about it will admit it.

In 1986, we passed amnesty, and it became law as soon as that bill was signed. Those people were eligible to be made legal immediately in our country and placed on a track to citizenship that day—the day the bill was signed. What did we have about enforcement? We had a promise that we were going to enforce the law in the future. We are going to fix this border, and we are going to have workplace enforcement.

That was a mere promise. It never happened because I don't think any President wanted it to happen. We went back to the problem when President Carter was here, President Reagan, President Bush, President Clinton, and this President Bush. None of them have demonstrated that they actually intend to enforce our border laws.

I used to be a Federal prosecutor. I used to deal with law enforcement issues. I actually prosecuted one day—I think when I was an assistant U.S. attorney—an immigration case, a stow-away on a ship. A bunch of them stowed away on a ship. I know a little bit about it.

But those actions which are necessary to make the legal system work were never taken by our Chief Executives. We in Congress can study the problem at the border, we can see what those problems are, and then we can pass a law to try to fix it. We can say we want more border patrol, we want more fencing, we want more UAVs, a virtual fence. We can pass those things, but unless the executive branch really wants it to succeed, then—even then, we may not get the thing to work.

The truth is, they should be coming to us. President Bush comes to us and says what he needs to win the war in Iraq, and we give it to him. If he came to this Congress—I hate to say it because I think he is a great President and a great person, and I support him on so many things. But he has never come to our Congress and said: Congress, this border is out of control; I need A, B, C, and D, and I will get it under control. So now he wants us to grant blanket amnesty to 11 million people, and after you do that: Trust me, I will get the border under control. That is a sad fact. Securing the border is the President's responsibility.

What about Congress? We were in committee and we were debating the bill. I offered an amendment to add 10,000 detention beds for the Border Patrol. I do not know how many they need. I think that is not enough. We are at 1.1 people coming into our country illegally every year. The number of people other than Mexicans who really need to be detained, sometimes for an extended period of time, has surged. We

need the detention spaces to make the system work. Do you know what they all said, Democrats and Republicans? Fine. We accept that amendment. Senator FEINSTEIN and I offered an amendment to speed up the hiring of new Border Patrol agents. They accepted that. Then it hit me. All who have been in this body for some time know the difference between authorization and spending the money, appropriations. In this body, people authorize all the time.

I just left one of the finest groups of people you would every want to meet outside—national forensic science leaders from around the country. They came to see me because I supported a bill, and we passed it, the Paul Coverdell forensic sciences bill. It was to add \$100 million to help jump-start forensic sciences in America. Do you think that \$100 million was ever appropriated? Certainly not. I think we may have gotten to \$20 million one year. Because you authorize money to be spent for forensic sciences or for immigration enforcement does not mean that it is ever going to get spent. It has to go through the appropriations process. Maybe they want to spend it on a project back home. Maybe they decided we need more money for Katrina, health issues, education, whatever. At the end of the day, you don't get the money. So we have at least two major problems: One, will it ever be appropriated and two, if the money is appropriated, will the President actually use it effectively?

I admit that this Congress authorized a budget that set forth a projected expenditure for immigration enforcement that is larger than the President requested, but it remains to be seen if it will ever be funded.

Those are the things which cause us great concern. So I would challenge quite directly the people who support this bill and say this is going to be different than 1986 to come down on the floor of this Senate, look at their colleagues and people who may be watching back home directly in the eye, and assure them that we are going to have the money and we are going to have the will to enforce this legislation.

I was on a radio talk show earlier today. I was asked about enforcement actions that were taken against certain big businesses recently. They all called their Congressmen and complained, and the enforcement sort of went away. You have heard those stories. Do we have the will to actually make this happen? I think we could. I am not hopeless about this. I think we could, but I don't get the sense that we are there yet.

I have compared it to leaping across a 10-foot chasm but leaping only 8 feet, and like the Coyote and the Roadrunner, you fall to the bottom of the pit. That is where we are. We have some things in this bill which make enforcement much more likely to occur, but it does not all get there yet. We need to do a number of things.

For example, employment: The workplace law and provisions in the bill are

not effective and do not cover all employees of an employer. It is a critical step. You have heard it said that this bill has fencing in it. It is the most minimal amount of fencing; it is nothing like a legitimate fencing.

I wish to say this: Good fences make good neighbors. There is nothing wrong with a fence. There is nothing in the Scripture that says you can't build a fence. You have thousands of people coming across the border in a given area, and you have just a few Border Patrol officers, and they are trying to do their duty every day. And you say it is somehow offensive or improper or against the Lord's will to build a fence to try to contain it so you can maximize the capabilities of the limited number of Border Patrol agents who are out there putting their lives at risk this very day to try to enforce these laws? They arrest 1.1 million a year. What possible objection could we have to legitimate fencing?

They built one in San Diego; it was an unqualified success. They said it could be breached. I am told the one in San Diego has never been breached. What happened on both sides of the fence, where lawlessness, crime, gangs, and drugs were disrupting entire neighborhoods? Those neighborhoods have been restored. They have come back strong. They are prospering. The property values are up as a result of bringing some lawfulness to a lawless area.

Let me say this. Why is it that there has been such an aversion to fences? I will tell you why. Because those who want to have open borders, who have no desire to see the laws enforced, know, first of all, that it will work; and second of all, they have used it to twist the argument and to say that anybody who favors a fence wants no immigration, they want to stop all immigration, they just want to build a fence around America—totally mischaracterizing the need for a barrier on our borders. That is not fair. That is wrong.

The amendment I offered would have increased substantially the number of border-crossing points, so lawful people could come back and forth far easier and at less expense with a biometric card. They could enter and exit the country with it. This could work. We can make this work. We need more legal exit and entry points, and we need to block the illegal entry points. If we do that and we send a message throughout the world that the border is now closed and no longer open to those who want to come illegally, I think we will have a lot less people wandering off in the desert, being abused by those who transport them, and putting their lives at risk and many of them dying.

That is what you need to do. I am prepared to support any legislation that would increase legal immigration. When we end illegal immigration, we are going to need to increase the opportunity for people in numbers to come here lawfully, and we need to increase the exit and entry points.

Another thing. I mentioned this biometric card and entering and exiting the country. Let me tell you why some of us are concerned about promises in the future.

We passed, 10 years ago, the US-VISIT program. It is supposed to do just what I said. A person comes to this country legally, comes with a card. It is a computer-read card, and the person is then approved for entry. They need a biometric identifier, a fingerprint, and it can read that. You are allowed to come in. It also calculates when you leave, so people who do not leave can be identified and removed because they didn't comply with the law.

Well, 10 years after passing that bill, we still don't have that system up and running. They tell us that this summer, we will have some pilot program which can actually identify those when they exit in certain border places, which, of course, means it is no system at all.

We authorized 10 years ago a perfectly logical, sensible system to monitor the legal entry of people into our country, monitor their exit. What we have learned, particularly after September 11, is that many of the terrorists were overstays. They came lawfully, but they did not exit on time.

We need additional bed space. This is so basic. Not an unlimited number of beds, but we need more. What is happening is, people come across the border, and particularly those other-than-Mexicans cannot be readily taken back across the border and dumped if they are from Brazil, Russia, or China. What do we do with these people? They need to be held and they need to be transported back. We are doing that, to some degree.

But what happens when we do not have the bed space? This is what happens. I read a newspaper article in the committee a couple of months ago on this very subject. People come in from foreign countries. They come into the border, enter illegally, head off across the desert, they see a border patrol officer and they are told to go up to the border patrol officer and turn themselves in.

Why would they do that? The border patrol officer puts them in the van or his vehicle and he takes them another 100 miles inside the border to the Customs and Border Protection Office and they are taken before an administrative officer. What does the administrative officer do? He does not have any beds or place to put them, so he says we will have a hearing on whether you are legally here. We will have a hearing and we will set it in 30 days. I will release you on bail; come back in 30 days.

How many do you think come back? The newspaper reporter said at the place he examined, 95 percent did not show up. So all we have done is send the border patrol agents out to pick them up and transport people into the country illegally. That does not make sense. We have to have a certain amount of detention space.

We have an insufficient number of Border Patrol agents. There are just not enough. We need to get to that tipping point where people realize it is not going to work if they try to enter illegally. We added some Border Patrol agents in committee, but they say it takes years to hire them. That is why we passed, 5 years ago, legislation to add increased numbers of Border Patrol agents. Senator KYL got that through. Being on the Arizona border, he knew the problem. What happened? They still have just now been hired 5 years later. They say it is hard to hire enough people.

I was reading recently a book on World War I. When World War I started, we had 130,000 people in our Army, and 18 months later we had 4 million people in uniform, 2 million of them in France. To say we cannot add 10,000 trained Border Patrol agents and get them trained in a prompt period of time is not credible. There has been a lack of will to see this occur. Who is to say if we pass this legislation we will have a renewed will in the future? The American people have a right.

We had a hearing on Monday in the Judiciary Committee. It dealt with the problem of the appeals being filed by people who object to being returned to their country. Since 2001, 4 years, we have had a 600-percent increase in appeals to the Federal court, court of appeals. You can legitimately appeal a determination you are in the country illegally, but a sixfold increase in 4 years? What has that resulted in? It has resulted in a 27-month delay before your case is heard.

What does this tell an immigration lawyer who is meeting with a person who has been apprehended and who has an appeal pending about being deported and the guy or the woman does not want to leave the country and says, if you appeal, even if it is frivolous, it will be 27 months before anyone ever reads it or makes a decision. That is why we are having this surge. That system is broken.

Senator SPECTER, Judiciary Committee chairman, had legislation in his bill in the Judiciary Committee to help fix it—not completely, I didn't think—that made a substantial step toward fixing this broken system. They offered an amendment in committee to strip that language and it passed. So not only did we not improve the bill and have not improved the bill with regard to fixing the broken system, but we stripped language that would have made a good step forward in fixing.

What does that say about the intent of the Members of this Congress to actually see the immigration law be enforced?

I repeat once again, our nation is a nation of immigrants. We believe in immigration. We have been enriched by immigration. But our Nation is a sovereign nation and it has a right to decide how many people come and what kind of skill sets they bring. Once it makes that decision, it should create a

legal system that will make sure that occurs. We have not done that.

As a result, in 1986 we provided amnesty, which no one disputes. Not Senator LEAHY, not Senator REID. We gave amnesty in 1986, thinking we could fix it once and for all. And 20 years later we end up with not 3 million people here illegally but at least 11 million people here illegally and no enforcement mechanism close to being in place that would actually work. I encourage my colleagues to think carefully. We can fix our border enforcement. We can increase the number of people who come here illegally. We can tighten up the workforce workplace very easily. We can make this system work.

As we tighten up the border, we eliminate the magnet of the workplace, we can reach that magic tipping point where all of a sudden the message is going out around the world that if you want to come to America, the border is closed. You better wait in line and file your application and come lawfully because if you come unlawfully, it won't work. Then we will have a massive flip. We will not see so many bed spaces. We may not even need as many Border Patrol agents as we have today. But that message is not out there. In fact, the opposite is out there. If we pass this bill, it will be business as usual. We should not do it.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Washington.

#### PORT SECURITY

Mrs. MURRAY. Mr. President, I rise today to report on some of the progress we have made in our effort to secure our Nation's ports and our cargo container system.

This morning, I testified before the Senate Committee on Homeland Security and Governmental Affairs about the GreenLane Maritime Cargo Security Act which I introduced last year with Senators COLLINS, COLEMAN, and LIEBERMAN. That critical and effective bill is on the fast track both in the House and in the Senate.

While that hearing was starting, we received another urgent reminder of why we need to improve our cargo security in this Nation. This morning, this very morning at the Port of Seattle, 21 Chinese nationals were discovered. They had been smuggled into the United States in a cargo container. That incident is a stark reminder that we today are still not doing enough to keep our cargo container system secure. This appears to have been a case of human smuggling, but that cargo container could have been filled with anything from a dirty bomb to a cell of terrorists. Today our country is vulnerable to a terrorist attack. Time is not on our side.

I will spend a few minutes this afternoon outlining the threat and explaining how our legislation helps. By using cargo containers, terrorists can deliver a one-two punch to our country. The first punch would create an untold

number of American casualties. The second punch would bring our economy to a halt.

Cargo containers carry the building blocks of our economy, but they can also carry the deadly tools of a terror attack. Today we are not doing enough to keep America safe.

In the Senate it can feel as though the dangers at our ports are millions of miles away, but in recent years some in our Government have said they could never have imagined the devastation caused by recent disasters.

Let me make this crystal clear. On March 21, 2 weeks ago, a container ship called the Hyundai Fortune was traveling off the coast of Yemen when an explosion occurred in the rear of that ship. Here is a photo of what happened next. About 90 containers were blown off the side of the ship, creating a debris field 5 miles long. Thankfully, there were few fatalities and the crew was rescued. They are still investigating the cause. It does not appear at this time to be terrorist related.

Imagine this same burning ship sitting a few feet from our shores in New York, or Puget Sound, off the coast of Los Angeles, Charleston, Miami, Portland, Delaware Bay, or the Gulf of Mexico. Imagine we are not just dealing with a conventional explosion but we are dealing with a dirty bomb that has exploded on America's shore. Let me walk through what would happen next.

First, there would be an immediate loss of life. Many of our ports are located in or near major cities. If there was a nuclear device exploded at a major port, up to a million people could be killed. If this was a chemical weapon exploding in Seattle, the chemical plume could contaminate our rail system, Interstate 5, Sea-Tac Airport, not to mention our entire downtown business and residential areas. At the port there would immediately be a lot of confusion. People would try to contain the fire. But it is unclear today who, if anyone, would be in charge.

Then, when word spreads that it is a dirty bomb, panic is likely to set in and there would be chaos as first responders try to react and people who live in the area try to flee.

Next, our Government would shut down every port in America to make sure there were not any other bombs or any other containers in any one of our cities. That shutdown would be the equivalent of driving our economy right into a brick wall and it could even spark a global recession. Day by day we would be feeling the painful economic impact of such an attack. American factories would not be able to get the supplies they needed. They would have to shut their doors and lay off workers. Stores across our country would not be able to get the products they need to stock their shelves.

In 2002, we saw what a closure of just a few ports on the west coast could do. It could cost our economy about \$1 billion a day. Now, imagine if we shut down all of our ports. One study con-

cluded that if U.S. ports were shut down for just 12 days, it would cost \$58 billion.

Next, we would soon realize we have no plan for resuming trade after an attack—no protocol for what would be searched, what would be allowed in, or even who would be in charge. There would be a mad scramble to create a new system in a crisis atmosphere.

Eventually, we would begin the slow process of manually inspecting all the cargo that is waiting to enter the U.S. ports. One report has found it could take as long as 4 months to get it all inspected and moving again.

Finally, we would have to set up a new regime for port security. I can bet you that any new rushed plan would not balance strong security with efficient trade.

The scenario I just outlined could happen tomorrow. We are not prepared. Nearly 5 years after September 11, we still have not closed a major loophole that threatens our lives and our economy. Time is not on our side. We must act.

I approach this as someone who understands the importance of both improving security and maintaining the flow of commerce. My home State of Washington is the most trade-dependent State in the Nation. We know what is at stake if there were an incident at one of our ports. That is why I wrote and funded Operation Safe Commerce, to help us find where we are vulnerable and to evaluate the best security practices. It is why I have worked to boost funding for the Coast Guard and have fought to keep the Port Security Grant Program from being eliminated year after year.

Right after 9/11, I started talking with security and trade experts to find out what we need to be doing to both improve security and to keep our commerce flowing. Ten months ago, I sought out Senator COLLINS as a partner in this effort. I approached Senator COLLINS because I knew she cared about this issue. I knew she had done a lot of work on it already, and I knew she was someone who would get things done. Since that day, we have worked hand in hand to develop a bill and move it forward. I am very grateful to Senator LIEBERMAN and Senator COLEMAN for their tremendous work on this issue as well.

The GreenLane Act, which we had a hearing on this morning, recognizes two facts: We must protect our country and we must keep our trade flowing.

We know we are vulnerable. Terrorists have many opportunities to introduce deadly cargo into a container. It could be tampered with any time from when it leaves a foreign factory overseas to when it arrives at a consolidation warehouse and moves to a foreign port. It could be tampered with while it is en route to the United States.

There are several dangers. I outlined what would happen if terrorists exploded a container in one of our ports.

But they could as easily use cargo containers to transport weapons or personnel into the United States to launch an attack anywhere on American soil.

The programs we have in place today are totally inadequate. Last May, thanks to the insistence of Senators COLLINS and COLEMAN, the Government Accountability Office found that C-TPAT was not checking to see if companies were doing what they promised in their security plans.

Even when U.S. Customs inspectors do find something suspicious at a foreign port, they cannot today force that container to be inspected. So we have a clear and deadly threat. We know current programs are inadequate. The question is, what are we going to do about it? We could manually inspect every container, but that would cripple our economy.

The real challenge here is to make trade more secure without slowing it to a crawl. That is why Senators COLLINS, COLEMAN, LIEBERMAN, and I have been working with the stakeholders and experts to strike the right balance. The result is the GreenLane Maritime Cargo Security Act. That bill provides a comprehensive blueprint for how we can improve security while we keep trade efficient.

At its very heart, this challenge is about keeping the good things about trade—speed and efficiency—without being vulnerable to the bad things about trade—the potential for terrorists to use our engines of commerce.

Our bill does five things.

First, it creates tough, new standards for all cargo. Today we do not have any standards for cargo security.

Secondly, it creates what we call the GreenLane option, which will provide an even higher level of security. Companies that join it have to follow the higher standards of the GreenLane cargo. Their cargo would be essentially tracked and monitored from the moment it leaves a factory floor overseas until it reaches the United States. We will know everywhere that cargo has been. We will know every person who has touched it. And we will know if it has been tampered with. The GreenLane essentially pushes our borders out by conducting inspections overseas before cargo is ever loaded onto a ship bound for the United States. We provide incentives for companies to use the highest standards of GreenLane.

Third, our bill sets up a plan to resume trade quickly and safely, to minimize the impact on our economy.

Fourth, our bill will secure our ports here at home by funding port security grants at \$400 million.

And, finally, our bill will hold DHS accountable for improving cargo security. DHS is long overdue in establishing cargo security standards and transportation worker credentials. We need to hold DHS accountable, and our bill provides that infrastructure to ensure accountability and coordination.

I thank all of our cosponsors and our partners. I especially thank Senator

COLLINS for her tremendous leadership. She chaired the hearing this morning, and her expertise and her commitment were clear to everyone in the hearing room.

I also thank Senator COLEMAN for his leadership and his work as chairman of the Permanent Subcommittee on Investigations. Senator COLEMAN has helped expose our vulnerabilities and has worked to develop solutions.

I also thank Senator LIEBERMAN for his leadership and support. I commend our cosponsors, including SENATORS FEINSTEIN, SNOWE, and DEWINE.

I would add, we are also beginning to see progress on the House side with the SAFE Port Act. I thank Representatives DAN LUNGREN and JANE HARMAN for their leadership on that side.

Today we have a choice in how we deal with cargo security challenges facing us. But if we wait for a disaster, our choices are going to be much starker. Let's make the changes now, on our terms, before there is a deadly incident. Let us not wait until a terrorist incident strikes again to protect our people and our economy.

Two months ago, the people of America woke up and spoke out when they heard that a foreign government-owned company could be running our ports. That sparked a critical debate. Now we need to set up a security regime that will actually make us safer. Until we do so, none of us should sleep well at night. A terrible image such as this one—a burning container ship with a dirty bomb in one of America's harbors—could be on our TV screens tomorrow. So this Congress must act today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I want to return to the issue before us and which has been before the Senate for the last week and a half, and to say it has been my pleasure to work on the issue of immigration reform and border security ever since I have been in this Senate—a little over 3 years now.

As a Senator from a border State, it will come as no surprise that I have actually spent a fair amount of time along the border talking to my constituents, as well as visiting Mexico and other countries that are a source of a large number of immigrants who come to our country seeking a better life.

I believe that experience has given me some insight into what the challenges we have are when it comes to border security. Of course, we have proposals before this body to deal with this issue of our porous borders and the need to find some way to deal with the workforce demands of this growing economy of ours.

We need comprehensive immigration reform. I have consistently called for comprehensive reform because I believe we will not fix the broken immigration system unless we address all aspects of the problem; that is, border security;

interior enforcement; worksite enforcement; and the 12 million who are in our country without authorization, finding some way to allow them to reenter our immigration system legally, and to give them a second chance living in the country, not in the shadows but out in the open, and enjoying the benefits and protection of our laws.

This is, as we have all discovered, an exceedingly complex issue. And no one—no one—has a monopoly on all wisdom or on suggestions for ways to improve the system. The Senator from Arizona, Mr. KYL, has one amendment pending that I believe will improve the proposal on the floor of the Senate, which is the bill produced by the Judiciary Committee. He has sought a vote, and I have joined him in seeking a vote, on that amendment to the bill that is on the floor. I have several other amendments that have been filed that will also, in my opinion, improve the work of the committee.

But we have been denied an opportunity to have those amendments considered and voted on by the Senate because the Democratic leader has simply refused to allow any amendment that he personally does not agree with to get a vote. We have had three votes in the last week and a half, relatively—I should say completely noncontroversial votes—but the Democratic leader has refused to let the Senate vote on Senator KYL's amendment.

This is particularly troubling to me because it is one that I believe the American people would wholeheartedly agree with, and that—whatever we decide to do with regard to the 12 million people who are currently living in our country in the shadows and outside the law—we ought to make sure whatever we do does not include a blanket amnesty for 500,000 or so felons, individuals who have committed at least three misdemeanors, and those who have had their day in court, who are under final orders of deportation or who have agreed to voluntarily leave the country once they have been caught in the country illegally.

Those individuals, either because they have had their day in court or because they are, in fact, felons or people with criminal records, ought not to get the benefits, whatever they may ultimately be, of the amnesty that is proposed in the underlying bill.

This is especially troubling to me because, as I have said earlier, if you look at what happened in 1986, with the Immigration Reform Act that was passed then, Congress, in effect, told America you should trust us to enforce the laws, but, of course, as we now know, that did not happen. Indeed, when the amnesty was granted in 1986, some 3 million people stood to benefit from that amnesty.

I have demonstrated here on the floor that that amnesty, which we all agree, in fact, meets that definition, was a complete and total failure. The reason why it was a complete and total failure is because the American people were,

in essence, told one thing and Congress did another.

I believe the American people will forgive an awful lot of mistakes, but they will not forgive being fooled twice. The proposal that is on the floor now, the committee bill that is being proposed, would, in fact, be a repeat of what happened in 1986, except to the extent that it is actually even worse because in 1986, in order to get the benefit of the amnesty, you could not be a felon, you could not be a person with at least three misdemeanors, but under this bill, as offered and as voted out of the Judiciary Committee, you can. Thus, you can see the importance of having a vote on this amendment, which we have been denied, even though it was offered last Friday.

Now here we come up on the mid-week, and we are going to have a recess of Congress for the next 2 weeks after this Friday, and I am afraid that because of the lack of movement and progress on this bill, there are going to be some who are going to be blamed for our inability to move forward. And I submit—I hate to say this, but I submit that the blame lies on those who simply denied the greatest deliberative body on the planet from the chance to actually consider and vote on amendments to this bill.

This is not democracy. This is not what we are trying to export to other countries that have known nothing other than the boot heel of a tyrant. This is not our finest hour because what we are seeing is the minority leader on the other side simply denying democracy in action. It is intolerable and inexcusable.

It is clear to me that if we are unsuccessful in getting this bill through the floor and passed and an opportunity for the process to reconcile the differences between the Senate and the House version, should we get a Senate version, the blame will lie at the feet of the Democratic leader.

One of the things Congress promised the American people in 1986 was there would actually be a fraud detection system as part of the amnesty that was then granted to make sure it would actually be successful and that we would not have to find ourselves in the condition we are in today where at the time we had 3 million who benefited from the amnesty and now today the potential number is 12 million. We know the potential for amnesty is a huge magnet for those who come to this country in violation of our immigration laws. I don't want to find the Senate, 5 or 10 or 20 years from now, saying: In 1986, it was 3 million who wanted to benefit from amnesty. In 2006, it was 12 million. And 20 years from now we find the number is 24 million.

We know this is a national security problem. We know that we have, as a sovereign nation, a right to protect our borders. We know there are on average 2,300 people coming into our country each day. Each day the Democratic leader denies us an opportunity to fix

that problem, to allow the process to go forward, we are seeing 2,300 more people come into the country illegally. I hope and pray it is not a criminal, a terrorist, someone who intends to do us harm but, indeed, it could well be.

The Democratic leader supports a bill that would grant an automatic path to citizenship for 12 million people who are in this country in violation of our immigration laws, yet he won't allow a vote on an amendment that would bar felons and repeated criminal offenders from participating in the program. He argues that he likes the bill voted out of the Judiciary Committee and doesn't believe that amendment will, in fact, improve it. He certainly is entitled to his opinion, but he is not entitled to obstruct the process. He is not entitled to dictate to the Senate or the American people what this particular legislation will look like.

I simply don't understand why this amendment, that would bar felons and repeat offenders and which actually clarifies that they can't be given whatever benefit will be conferred by this bill, would create any controversy whatsoever. If the American people were polled or asked, do you think we ought to bar convicted felons, do you think we ought to bar repeat criminal offenders from the grant of amnesty, I think they would say yes. If given an opportunity for a vote on the floor, this body will say yes, because we are representative of the American people. Yet we have been denied that chance for a vote.

There is simply a credibility gap with the American people on immigration and border security. Congress needs to openly debate and vote on amendments so there is transparency regarding who will receive green cards and whether there are sufficient protections against fraud that ran rampant during 1986, with the amnesty that was granted at that time. As someone who has worked on this issue and devoted time to it, I want nothing more than the opportunity to debate and vote on amendments. I am interested, and I believe most Senators are actually interested, in trying to find a solution to this problem. But we are met with obstruction and a refusal to let the process move forward. It is simply unacceptable.

We cannot debate and vote on amendments until there has been an agreement on who will participate in the program and the extent to which fraud can be detected and prevented. Yet the Democratic leader does not believe it is necessary to secure the confidence of the American people that Congress is not giving amnesty to felons or repeat criminal offenders. Without public debate and votes with regard to the foundation of this proposal, none of us will be able to return home and defend the broader policy implications of this complex legislation.

The Kyl amendment has been pending since last Thursday. Not a single Senator has voted to table that amend-

ment. Yesterday we went through a strange exercise where, in order to determine how we can obtain some progress on this bill, there was actually a motion to table the Kyl amendment that would bar felons and repeat criminal offenders. Every single Senator who voted voted not to table the amendment. Ordinarily that would indicate an agreement with the amendment. Yet we were not given an opportunity to vote on the amendment. The amendment ordinarily would be accepted by the manager of the bill or would be subject to a voice vote and become part of the larger bill, but that didn't happen because we, unfortunately, have some people in the process who are not interested in finding solutions. They are not interested in allowing the process to move forward but, rather, they are more interested in trying to jam their solution down the throat of the rest of the Senate and to deny the rest of us a chance to offer suggestions and to get votes.

I don't like to lose any more than anyone else, but I am willing to submit to this body amendments that I have and on which I wish to have a vote. I hope to persuade my fellow Senators that these amendments are actually an improvement over the bill that is before the Senate. But if this body decides, 51 or more Senators decide, to vote against those amendments, I am willing to accept that. That is democracy. That is majority rule. But to simply defy majorities and the process and say, if I don't like it, I am not going to allow anybody else to amend it, is unacceptable. In an institution known as the world's greatest deliberative body, it brings this body no honor to obstruct the process and to try to jam this unacceptable bill down our throats.

The current committee bill disqualifies from the legalization program any alien who is ineligible for a visa. The Kyl-Cornyn amendment would clarify that by saying any alien who is ineligible for a visa or who has been convicted of a felony or three misdemeanors would be ineligible from the legalization program.

There are certain crimes, including felonies, that do not disqualify an alien for a visa. This amendment, therefore, ensures that no felon or repeat criminal offender will obtain an automatic path to a green card and permanent residence in the United States.

This amendment is exactly the same text that was in the 1986 amnesty. In other words, the very amendment Senator KYL and I have offered to exclude felons and three-time misdemeanants was part of the 1986 amnesty. So the proposal on the floor is even weaker than the amnesty granted in 1986.

All we are trying to do is to bring it on a par with that amnesty of 1986. Crimes that do not automatically disqualify an alien for a visa and would not, therefore, be covered by the Judiciary Committee bill that is on the floor include assault and battery, manslaughter, kidnapping, weapons possession—for example, possession of a

sawed-off shotgun—contributing to the delinquency of a minor, burglary, including possession of tools to commit burglary, malicious destruction of property, possession of stolen property, alien smuggling, conspiracy to commit offenses against the United States, and money laundering. Unless we are able to get a vote on the amendment that is now pending that Senator KYL and I have offered to exclude felons and three-time misdemeanants, the proposal this body is asked to accept would give amnesty to people who have engaged in alien smuggling, manslaughter, kidnapping, or illegal possession of a sawed-off shotgun.

The American people will forgive a lot, but they won't be fooled again. And they won't forgive us if a minority of this body tries to jam down the throats of the rest of the Senate provisions which would allow the entry of these individuals into the United States and would confer a blanket amnesty and a path to a green card and legal permanent residency in the United States. It simply defies common sense.

I have a number of additional amendments I intend to offer and intend to ask for a vote on. I will not be satisfied—and I submit there are other Senators who will not vote to close off debate—until we get a chance to have these considered on the Senate floor. One amendment, No. 3310, addresses the confidentiality provisions. The Judiciary Committee amendment that is on the floor contains provisions that would prohibit the use of information furnished by an applicant to be used for any purpose other than a determination on the application. While the committee amendment would allow the information to be shared with law enforcement entities upon their request, the information could not be used by the Department of Homeland Security to investigate fraud in the program.

It is also worth noting that these provisions almost word for word were included in the 1986 amnesty but are missing from the proposal that is now on the floor. These confidentiality provisions have been cited by Government authorities as one reason why there is so much fraud in our immigration system, particularly the amnesty that was granted in 1986.

For example, the testimony of Paul Virtue, former Immigration and Naturalization Service general counsel, in 1999 before the House regarding fraud in the prior amnesty program:

There is no question that the provisions of [that 1986 amnesty] were subject to widespread abuse, especially the Special Agricultural Worker program that granted agricultural workers who had performed 90 days of qualifying agricultural employment within a specific period temporary lawful status that automatically converted to permanent lawful status after one year.

Nearly 1.3 million applications were filed under [this Special Agricultural Worker] status, about double the number of foreign farm workers usually employed in the United States in any given year.

Much of the fraud that occurred under the IRCA

—the 1986 amnesty bill—

is attributable to statutory limitations placed on [the Immigration and Naturalization Service].

The confidentiality restrictions of law . . . prevented INS from pursuing cases of possible fraud detected during the application process. The agency was further thwarted by the courts, which ruled that INS could not deny an application simply because the supporting documentation was from a claimed employer suspected or convicted of fraud.

Let me say that again. He said the confidentiality restrictions contained in the underlying bill here that I want to amend thwarted the INS from denying an application simply because the supporting documentation was from an employer "suspected or convicted of fraud."

In 1986, just a few million amnesty applications were filed, but under this bill, Congress is now considering an amnesty for 12 million immigrants who are in this country in an unauthorized status. We need to make sure we don't hamper the Immigration and Naturalization Service's ability to detect fraud. Yet this amendment would repeat the worst failures of that 1986 amnesty.

One other amendment I have filed and intend to call up, if we are ever given a chance to have amendments and votes on this bill, is amendment No. 3309.

The committee amendment pending on the floor, which I offer this amendment to improve, would create safe harbors for illegal aliens who have filed applications for conditional immigration status.

To be clear, these are not aliens who have yet established eligibility, or have even gone through background and security checks. They have simply filed an application with the Government, and their application might be in a stack of 10 million other applications.

Under this committee amendment, the one pending on the floor, to be clear, the Department of Homeland Security would be required to issue a travel document and an employment authorization document to an alien before the agency has even determined eligibility under the program. Travel documents are as important as weapons. Yet this section would require the Department of Homeland Security to issue a travel document to all illegal aliens simply because they have filed an application.

Under the underlying bill, an illegal alien may not be detained, ordered deported, or removed while the alien has an application pending. That means any illegal alien can simply file an application to avoid deportation, and many will, of course, because it could take several years, and probably will take several years, for the Department of Homeland Security to process all applications.

Another disturbing point is there are also no carve-outs for criminal aliens

or other dangerous illegal aliens who would normally be subject to mandatory detention. This underlying bill could be interpreted as not allowing the Department of Homeland Security to detain any alien, irrespective of how dangerous that alien is to society.

While the amendment does say an alien may be deported if the alien "becomes ineligible," that is prospective and it means any illegal alien could only be subject to deportation for criminal activity that occurs after they filed their application.

We should be unwilling to create a significant loophole for criminal illegal aliens who could avoid deportation or detention by simply filing an application with the Government.

The underlying bill would require the Department of Homeland Security to allow any alien apprehended before the program is operational, which could be several years down the road, to apply for amnesty after the program is up and running. If it does indeed take several years, that means our immigration enforcement system, which right now apprehends more than a million illegal aliens a year on the southern border, would grind to a halt because any alien who is apprehended could simply file an application or indicate an intent to file an application, and the Government would be required to stop the removal process to allow that to occur.

Mr. President, I know there are other Senators who wish to speak. I am going to stop in a moment to give them that opportunity.

My point is there are many commonsense amendments that I believe would garner the support of a majority of the Senate because they are commonsense amendments. But as long as we are blocked from having those amendments called up and considered and voted on, then there is no way that Members of this body should vote to close off debate, vote for cloture, because we will be producing a product that is simply unworthy of the trust that has been placed in us by the American people. I believe that no individual Senator and, indeed, no leader of either party should be allowed to refuse to allow this process to move forward. I think what is going to happen, because I think we are on a path toward failure—at least between now and Friday—and what we are going to see is the blame game.

There is going to be an attempt by those who have blocked this process from going forward to point the finger of blame at those who have voted against ending the debate because we cannot get a vote on our amendments. I want to make it clear where the fault lies. That blame should be squarely placed at the feet of the Democratic leader, who has denied us an opportunity to have a vote on these commonsense amendments—amendments that I believe the American people would agree with and, if given an opportunity, I believe the Senate would agree with.

I yield the floor.

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

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. No. We are on the bill.

Mr. DORGAN. Mr. President, I listened with some interest to my colleague. I have to observe, though, he said that now we are going to see the blame game, and he tells us where the fault lies. Well, that is the first chapter of the blame game. I have not been out here with respect to amendments. I have been chairing a hearing for a couple of hours. But I say this to those who are talking about these amendments: Those of us on this side of the aisle have certainly had a great deal of experience with having our amendments not considered by the Senate. Most recently, we had an amendment to a bill that would have dealt with this issue of the Dubai company taking over American ports. The United Arab Emirates' wholly-owned company, Dubai Ports World, was going to take over the management of American shipping ports. We attempted to offer an amendment, but it shut the Senate down because the majority party didn't want an amendment such as that offered.

I have been trying for a couple of years to offer an amendment on the reimportation of prescription drugs to drive down prescription drug prices in this country. We have been thwarted on that. I could go on at some great length. To the extent there is a complaint that some have not been able to offer amendments, we understand that pretty well. We have been in that position for a couple of years now, including my colleague from Arizona, Senator McCAIN, who offered an amendment that would have effectively prohibited our country from engaging in torture with respect to those whom we have apprehended during wartime. That amendment on the prohibition of torture shut down the consideration of the Defense authorization bill last year month after month because the majority didn't want to vote on the McCain amendment on torture. So there is plenty of practice that has existed in this Chamber for prohibiting amendments.

Again, I don't know what the approach has been this morning on the floor because I have not been here. When I listen to discussions about why can we not offer amendments, that is a cry that has been echoing in this Chamber for a couple of years, much to the regret of those of us who have had amendments to offer. It is a cry that has not been heard by the majority party, which now jumps to the front of the line to complain today.

I want to talk about this issue of the underlying bill, the immigration bill and guest workers. I should also start by saying I don't have any particular claim to understanding or expertise in this area. I don't serve on the Judici-

ary Committee. I was not someone who helped write the underlying bill. So I don't come to the floor to claim to be an expert on the legislation. But I have spent a great deal of time in the last year or so doing research in a range of areas for a writing project dealing with American jobs and American workers, so I claim to know something about that.

I claim to know, for example, that we have lost somewhere around 3 million-plus jobs in this country, most of them having moved to China or Indonesia or Bangladesh or Sri Lanka—but most perhaps to China. We have lost millions of jobs in this country in the last 3½ to 4 years. American workers, middle-income workers, and particularly workers at the bottom of the economic ladder, have been devastated by what has happened with this race toward globalization and the race by the largest American corporations to produce where it is cheap, and then sell their products in our marketplace. All of that is going on in a very accelerated way.

Now we see, with the bill brought to the floor of the Senate, not only do we have a strategy in this country of allowing the export of good American jobs, now we will have a strategy of importing additional low-wage jobs.

I will review some numbers, if I might. We have somewhere around 11 million to 12 million people who have come into this country illegally and have stayed here. Some have been here a long while, and some recently arrived.

Is it surprising that we have a lot of people who have come into this country and stayed in violation of the law? No, it is not surprising to me. We live in a big world, and a lot of people in this world don't have the opportunities we have in this country. We have built something very special in the United States. This is a country that provides basic rights for people. It took us some while to perfect all that, but having struggled through the issues of civil rights, workers' rights, and women's rights, we have created an extraordinary country in which workers can band together to collectively bargain and negotiate. We have made decisions about the workplace and the right of a worker to work in a safe workplace, child labor laws, minimum wages, environmental protection, so you cannot produce a product and emit poisonous chemicals into the air and water.

At the same time, we have created circumstances where businesses can earn a profit, and a good one. This is an economy in which we have a vast consumer base, with the most affluent consumers in the world. All of that coming together created a country that is unparalleled on the face of this planet. So if you go anywhere in the world, and particularly impoverished areas in less developed countries, you will find, in discussing this with those people, that many would say they want to come to the United States of Amer-

ica. If you ask the question "why," they will say it is because there is opportunity there, jobs there, better income, better pay. That is what you find. I have found that in many parts of the world, particularly in less developed countries.

Think for a moment what would be the case if tomorrow the United States said: Look, what we have built here is quite wonderful. We understand it is unique and we want to share it with everyone. We have no immigration quotas and anybody who wishes to come here can come. Tomorrow, you are all welcome. Come and stay as long as you want.

What would be the consequences of that? We all know the consequences of that. Those who are living in impoverished conditions from other parts of the world will find their way to this country. We will be importing poverty and we will have a massive number of people migrating to the United States of America, because they would see this as an opportunity. So we don't have a circumstance where we say that anybody who wants to come tomorrow, come on, this is wide open, and stay as long as you want. No. We have a series of quotas for immigrants. We have immigration quotas by country, by category, and then we allow people in based on these quotas.

I will describe exactly what we now face. We have 11 million to 12 million people who are here illegally. Last year, according to data I have seen, 1.1 million additional people tried to cross the border from Mexico into this country, but they were denied access. So 1.1 million were kept out who wanted to come in. And 400,000 to 700,000 who wanted in illegally got in illegally and are here. They came last year. Another roughly 150,000 people—according to estimates I have seen—are here on a temporary basis, H-2A or H-2B. Another 175,000 people came in last year legally, as family members and quotas, just from Mexico. That is what we face.

Now, at the same time we face these pressures of people wanting to come into our country, particularly in most cases low-skilled and low-wage workers, we face the largest trade deficits in the history of the world. We face the wholesale movement of American jobs overseas. So we see the two elements of the worst marriage of public policy; those are the export of good American jobs to China and elsewhere, and the import of low-wage workers to take the jobs of those in this country who are at the bottom of the economic ladder. That is about corporations, big companies, about their strategy, which has been embraced and given a bear hug by this President and the Congress, controlled by the President's party, standing for corporations and their interests. Export American jobs, do another trade deal, cause more American jobs to leave this country. Import cheap labor.

Why? They say: We want to import more cheap labor because we cannot

find Americans to do the work. So not only does the bill on the floor of the Senate describe that we will create a legal status for 11 million to 12 million people who are here because, practically speaking, nobody is going to round them up, or arrest them, or detain them, or export them—we will create a status for those folks—but in addition to that, it says let's also create a new guest worker program of 400,000 people per year each year, with an escalator of being able to increase that by 20 percent each year, which over 6 years could amount to 4.7 million more people coming into this country who now live outside of this country.

And so the bill provides a guest worker program saying we not only want to deal with the legalization of those who are here illegally—millions and millions and millions of them—we also want to add potentially another 4.7 million. And, by the way, there is more than that, but that is just the piece about which I am talking. On top of that would be the provisions dealing with the new agricultural workers, which was an amendment offered in the committee.

So where do these 4.7 million people go—the ones who are now living outside of our country who come into our country legally—under this legislation? They go to find jobs in competition with American workers.

Let's talk about low-skilled, low-wage American workers.

This Congress, as stingy as it has been for low-wage, low-skilled workers, has decided for 8 years it will not increase the minimum wage. Boy, it is Katy bar the door if it comes to helping somebody at the top—tax breaks, unbelievable tax breaks for people at the top.

One of the world's richest people told me the other day when I was talking with him that he pays a lower income tax rate than the receptionist in his office. Why? Because the priority in this Chamber, the priority in this Congress, the priority of the President, is to drive down income tax rates for people who have capital gains. Who has capital gains? The wealthy. They have most of the capital gains. The wealthiest Americans are now paying the lowest tax rates, and this Congress can't be quick enough to see if they can't offer another gift to those at the top of the income scale.

I have nothing at all against those at the top of the income ladder. God bless them, that is what America is about; it is about success. But that does not justify saying that those who are the most successful shall pay the lowest income tax rates in our country, and that is what is happening. At the same time, Congress can't move quickly enough to provide the lowest tax rates to those with the highest incomes. It says to the people with the lowest incomes: We don't have any interest in increasing the minimum wage. Sit there for 8 years, let inflation work against your purchasing power; doesn't matter to

us, we don't intend to increase it. I think that is a terrible mistake, but that is the way people at the bottom of the economic ladder have been treated in this country now for many years.

Now they will be treated again to the prospect of saying: Let's have some more people come in; let's not just deal with this 11 to 12 million, let's have more people come in on top of that because we can't find Americans to do that work.

Why can't we find Americans to do that work? Let me read something from Robert Samuelson, a Washington Post editorial. I fully agree with this. He talks about:

It's a myth that the U.S. economy "needs" more poor immigrants.

He is speaking especially of the guest worker provisions.

The illegal immigrants already here represent only about 4.9 percent of the current labor force, reports the Pew Hispanic Center. In no major occupation are they a majority. . . .

Hardly anyone thinks that most existing illegal immigrants will leave—

Or be rounded up, arrested, or deported. I understand that. I think all of us probably understand that. I think there should be some enforcement of employer sanctions which we created but have not enforced, which would make a big difference with respect to illegal immigration. Here is what Samuelson said:

In 2004, the median hourly wage in Mexico was \$1.86 compared to \$9 for Mexicans working in the United States, says Rakesh Kochhar of Pew. With high labor turnover in the jobs they take, most new illegal immigrants can get work by accepting wages slightly below prevailing levels. . . .

But what would happen if new illegal immigration stopped and wasn't replaced by these guest workers?

That is an assumption. First, I don't buy the assumption that even if this bill is passed with legalizing 11 to 12 million immigrants and then allowing up to 4.7 million new people to come in who are now living outside our country, I don't buy the notion that we have plugged the border. I don't think we in any way inhibit illegal immigrants from coming across the border. I know my colleagues are talking about tightening the border and employer sanctions, and I will talk about that in a minute. Employer sanctions was the 1986 Simpson-Mazzoli bill. That was a miserable failure, and I will explain why.

Again quoting Samuelson:

But what would happen if new illegal immigration stopped and wasn't replaced by guest workers?

At some point higher wages would be going to American workers.

President Bush says that his guest worker program would "match willing foreign workers with willing American employers, when no Americans can be found to fill the jobs." But at some higher wage, there would be willing Americans.

As long as you can bring illegal immigrants, which is what has been happening, into the country and they can

work in the shadows and employers can employ them for subminimum wage, I understand why employers would not be employing American workers because they have a steady stream of workers they can employ below the minimum wage.

Business organizations understandably support guest worker programs. They like cheap labor and ignore the social consequences.

That is what is at work here. What is at work here is the same corporate interests who are exporting good American jobs are supporting this bill because they cannot only export good American jobs on the production side, but for those jobs you can't export, you can import cheap labor. And that is what this is about: Export good jobs and import cheap labor.

Let me talk for a moment about the debate over the Simpson-Mazzoli bill two decades ago at a time when we were told we had a significant immigration problem. That was a bill about border enforcement, strengthening enforcement at the border, and also creating employer sanctions.

The purpose of that bill was to say to employers: Don't you dare hire illegal immigrants; if you are hiring workers who are illegal, you are going to be in trouble, you are going to be slapped with a fine and subject to enforcement actions. So I went back and read the 1985 and 1986 debate about Simpson-Mazzoli. I won't embarrass anybody by reading it on the floor of the Senate. It was fascinating debate in the House and the Senate. This was nirvana. This was the entire solution. It was going to work like a charm because if you say to employers you dare not hire people who are not here legally, you shut down the job, you shut down the magnet, you shut down illegal immigration, end of story.

The fact is it didn't work at all. We have people in my State, the State of North Dakota, today—in fact, I think there is a story in today's paper about illegal immigrants working on some energy plants in the middle of North Dakota, found to be illegal. The question is: Is anybody going to take action against the employer? That would be a Minnesota employer, by the way.

Most of our troubles come from Minnesota. We joke about that.

If a Minnesota employer hires illegal workers, and he is caught, are there any problems for the Minnesota employer? No, no, not even a slap on the wrist; just a pat on the back. Nobody is going to prosecute. Nobody is going to fine them. Nobody is going to take enforcement action. It is exactly why we are in the situation we are in today. There are no sanctions for employers who hire illegal aliens.

I want to say very clearly that I don't in any way, because I oppose this guest worker program that will bring 4.7 million people in to compete with American workers at the bottom of the economic ladder, I don't in any way want to diminish the dignity and self-

worth of immigrants. I don't mean that at all. I know in most cases these are hard-working people, good families. Most of us have come from immigrant families at some point in our lineage. Because someone would come out and say, as I do today, that I don't support this proposal offered by the President and offered on the floor of the Senate, saying not only are we going to legalize or give legal status to 11 or 12 million people who came here illegally, but in addition to that, we are going to allow 400,000 people a year with a 20-percent escalation clause for the 4.7 million additional people potentially in 6 years to come into this country, I am not going to support that. That is a strategy for corporations to provide a ladder of cheap labor coming into this country, displacing American workers.

We have a serious crisis in this country with respect to the plight of America's workers. A lot of people who worked hard all their lives, worked for companies and were proud of it are now discovering their jobs are not safe, their jobs are not secure. In many cases, their jobs are gone—gone to China, gone to Indonesia. Yes, they can find another job. The statistics show they find another job at 20 percent less income. In most cases, they have lost their pensions; they have lost their health care. These are middle-income American workers, and the low-income workers, the people at the bottom of the ladder, the people who are high school dropouts, they work hard, they struggle, and now what they have confronted in recent years is a corporate strategy of being able to hire illegal immigrants at subpar wages, so the jobs are not there for them.

We have a lot of people come to this floor and want to offer amendments. They say they speak for this immigration bill, and they say they speak for immigrants. Again, let me emphasize, I don't want to diminish their concern for immigrant families. I don't want to do that. That is not what I am about. But I want to come to this floor to say a word on behalf of American workers because nobody is coming to this floor to talk about American workers, American jobs, and what it means to our country's future to have good jobs that pay well with retirement benefits and health benefits.

The current strategy we are employing in this country today, a strategy embraced by this President and this Congress, a corporate strategy that says let us export good jobs and import cheap labor, that is a strategy that undermines our economy.

I am interested in the long-term economic health of this country. We have a lot of kids who will grow up in this country, American kids, who want opportunity. Every single set of parents wants to leave a country that is better for their children. They want to leave a country that provides more opportunities for their children, and that is simply not the case these days, regrettably. It is because we have an eco-

omic strategy that is off track, and we need to put it on track. I have ideas about how to do that. Others do as well. But one of those ideas would not include suggesting that we ought to displace American workers with 4.7 million additional immigrant workers who now live outside of our country but who will come into our country to assume low-wage jobs and displace jobs for low-wage American workers. That would not be included in my suggestion of how to fix what is wrong in our country.

There is so much to say about this subject. I know there is great passion. I have heard it from all of the groups. I have used a lot of statistics. This is not, after all, about statistics or data. It is about hopes and dreams and aspirations. It is about human misery. It is about living in the shadows. It is about all of those things. So I understand the passion that exists on the floor of this Senate about this matter. But I also, as one Member of this body, lament that there seems to be so little effort and so little activity on this floor about the passions and the hopes and the dreams and the inspiration American workers have about their future.

I have indicated previously, I know we have this global economy and I know part of that global economy plays a role in this immigration debate. People say you are a hopeless xenophobe who doesn't get it. We all see over the horizon, and you somehow are nearsighted. My sense is that we as a country will have our better days ahead of us if we adopt public policy which is thoughtful and, yes, which has as a self-interest the long-term economic well-being of our country.

But this global economy has marched and now galloped forward without adequate rules with respect to jobs and income and opportunity in this country, and too few people seem to care about the diminished circumstances facing most American families and most American workers. That, too, should play a central role in this discussion. That, too, should be a part of the consideration here in the Senate. Regrettably, it has not been. My hope is that perhaps in the next 48 hours it will be, finally.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, I ask unanimous consent that the majority leader be recognized at 3:15 p.m.

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

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

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

Mr. DAYTON. Mr. President, I take offense at the characterizations of the Democratic leader about obstructing this legislation, particularly from those from southern border States who, in addition to the culpability of the Federal Government, should take the blame for some of the failures of these last few years that have perpetrated these 11 million, 12 million illegal immigrants upon the United States. I respect the comments of the Senator from North Dakota, putting those responsibilities, some of them, on the businesses of Minnesota, but I must say that the businesses of Minnesota and perhaps other Northern States have, to their credit, resisted the imposition of workers from other countries upon themselves—again, to their credit. It is from the States of southern borders, those businesses which have allowed this illegal immigration to go unchecked and which have, I believe to their discredit, employed these individuals.

It surprises me—in fact, I would call it the rank hypocrisy of those who have stood here today representing these States whose businesses have allowed these illegal immigrants to be employed, who have benefited and profited from those employments, and who now are suddenly trying to take aggressive action to impose these sanctions upon all businesses. I believe strongly that Minnesota businesses and others in Northern States have been forced to accept illegal immigrants because of the failure of States on the southern border to stand up and to protect their borders, in addition to the Federal Government. I deeply object to those who are claiming that somehow that is the failure of Northern States such as Minnesota.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 3232 be called up.

Mr. DAYTON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. CHAMBLISS. Mr. President, I am disappointed that my colleagues across the aisle will not let those of us who have good faith amendments to call them up, debate them, and have a vote on them. This is most troubling

because, while I disagree with many of the provisions in the bill, the border security provisions are absolutely critical. The majority of Americans consider border security to be one of the most important priorities considered by Congress. In holding up the amendment process, the Democrats are holding up the chance to move forward on these critical border security issues. This legislation is too important to fall victim to politics as usual.

As I said, I strongly disagree with this legislation in its current form. I think the provisions relative to agriculture are not in the best interests of farmers and agribusiness people. I can't tell you how many phone calls and letters and emails I have received from my constituents in Georgia as well as from farmers across the Nation voicing their objection to many pieces of the Judiciary Committee bill and encouraging me in my efforts to make some important changes.

So I was astounded to hear the minority leader yesterday suggest that the Judiciary Committee's bill is good enough for him and therefore should be accepted whole hog by the Senate. That is not the way the Senate works. This body is based on the concept of debate. To suggest that this legislation should reflect the will of the 18 members of Judiciary Committee and ignore the will of the full Senate is to belittle the enormous implications that will result from whatever legislation the Senate passes.

I recognize that a number of pending amendments are going to require the Senate to make some difficult votes. But we cannot try to avoid these votes for political expediency. The American people deserve to know where their Senators stand on these critical issues. And every Senator has the right to try to shape this legislation.

The folks on the other side of the aisle need to stop playing politics as usual—which is obstruct, obstruct, obstruct. This bill is too important and their antics are going to prevent us from having a bill that actually means something and isn't just a repeat of the past. Georgians and the American people deserve more than politics as usual—they deserve a thoughtful and thorough debate.

Even though I am not allowed to offer my amendment at this time, I would like to take a few moments to speak about it. And at this point I would like to ask unanimous consent that Senator BROWNBACK be added as a cosponsor to amendment No. 3232.

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

Mr. CHAMBLISS. Mr. President, the Judiciary substitute bill mandates that the minimum wage that must be paid to workers admitted under the H-2A program shall be the greater of: the applicable state minimum wage, the prevailing wage, or the adverse effect wage rate, often referred to as the AEWR. In almost every case in every State, the AEWR is significantly high-

er than the local prevailing wage. Interestingly enough, the U.S. Department of Labor does not determine this AEWR. AEWR wages are based solely on a U.S. Department of Agriculture's National Agriculture Statistics Service quarterly survey—a survey that has been published by the Department of Agriculture for decades; a survey that was never intended for the purpose for which the Department of Labor utilizes the collected data.

The AEWR reflects the average wage for disparate field and livestock work over a multistate area. Packing house work—an occupation filled by a large number of H-2-A workers—is not surveyed. The NASS survey result is the average of all agricultural wages, including the wages that are paid to workers whose higher production levels entitle them to additional incentives or piecework pay. The U.S. Department of Labor then uses this average wage without regard for differences in occupations, skills and seasonality by turning that average into a minimum guaranteed wage for purposes of the AEWR.

To put this in terms my colleagues can understand, this would be like if you took a survey of all congressional salaries, from Senators and Congressmen to staff assistants, and then took the average of those salaries and mandated that the average wage must be the minimum amount paid to any congressional staffer.

Agricultural employers who use the H-2A program to avoid breaking the law by hiring legal workers are put at a distinct competitive disadvantage when compared to growers who use the available undocumented workforce. In fact, this competitive disadvantage caused by the additional expense of using H-2A is a major factor in the agricultural industry's increasing dependency on an illegal workforce.

Those employers who have been utilizing an illegal workforce have not been paying those illegal workers anywhere near the adverse effect wage rate. Most troubling to me is that in the Judiciary Committee's bill, once agricultural employers transition those illegal workers to blue card workers, there is still no mandated wage floor for them! Therefore, H-2A growers will continue to experience unfair competition if the AEWR is not replaced with local prevailing wages.

I would also like to point out that the wages required of employers of workers admitted under every other temporary, non-immigrant visa category is a local prevailing wage rate determined by the U.S. Department of Labor through specific occupational surveys by the various states.

I believe this should be the case for the H-2A program as well. Moving from an Adverse Effect Wage Rate requirement to a prevailing wage would allow the use of a more localized, occupation-specific, competitive wage when growers access legal workers through the H-2A program. This would naturally raise wages for some farm workers and bet-

ter reflect the economic realities of the area in which the work is performed and the type of work being performed. It would also encourage agricultural employers to participate in a program designed to protect and identify the workers on our Nation's farms.

I urge you to support the amendment.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Nebraska. Mr. President, I will sound, unfortunately, like a broken record for the next 15 minutes or so.

Mr. CHAMBLISS. I will object to an amendment being called up at this time.

The PRESIDING OFFICER. The Senator from Nebraska has been recognized. The quorum call has been lifted. No other unanimous consent request has been made.

The Senator from Nebraska.

Mr. NELSON of Nebraska. It is important to stress again and again we must focus on border security first.

When I first announced and then introduced my border security bill last fall along with my colleagues, Senator SESSIONS and Senator COBURN, people across America were talking about securing our borders but there wasn't any action.

No bill in Congress was moving because most of the efforts tried to tackle everything and ended up doing nothing.

I proposed changing the way we address immigration reform and introduced a bipartisan bill that focuses on border security first.

Until we secure our borders, the U.S. will never be able to control the deeper problems of illegal immigration. I repeat: without securing our borders first, the U.S. will never be able to deal with its illegal immigration problems.

That is why, I, along with my colleagues Senator SESSIONS, Senator BYRD, and Senator VITTER are offering our bipartisan border security bill as a complete substitute to the bill that Senator SPECTER and the Judiciary Committee have offered.

We all have great respect for Senator SPECTER and the hard work by the Judiciary Committee to complete the bill they reported out last week under difficult time constraints. It is a good thing that we have so many people working together trying to find solutions to our illegal immigration problem. But it is important that those efforts are not lost because we tried to tackle everything and accomplished nothing. Those efforts are why we must focus on border security.

My colleagues and I are convinced that there is only one way we are going

to find consensus and see real action this year, and that is if we take the very important step of securing our borders first.

Our proposal would add 3,000 border patrol agents per year for 5 years and enhance border security technology.

It also adds:

1,000 new investigative personnel dedicated to stopping immigrant smuggling;

10,000 new Department of Homeland Security investigators dedicated to worksite enforcement; and

15,000 immigration enforcement agents dedicated to fraud detection.

At the same time, we give employers the tools they need to confirm the status of prospective employees to ensure that they are following the law.

If the companies have completed the verification process they will be protected in their hiring decisions. And the companies will not need to be concerned with verifying documents nor will they have to be in the business of making sure that documents handed to them are not fraudulent. However, if a company ignores this process and hires illegal immigrants anyway, our proposal enhances the penalties for breaking the law.

We believe that this is an important component for securing our borders and addressing the problem of illegal immigration. By removing the motivation behind most illegal immigration—securing employment through fraudulent documents or unscrupulous employers—we can take another important step towards resolving our illegal immigration problems.

In addition to aiding employers identifying illegal immigrants, this proposal also helps border security agents to stop immigrant smuggling, human trafficking, and other border offenses. This will ensure that gangs, organized crime, and individuals looking to exploit illegal immigrants for profit are prosecuted and prevented from putting immigrants in harms way.

Currently, these offenders are difficult to prosecute and are soon back committing new offenses of the same old crime.

I understand there has been some confusion about who this provision of the Border Security First proposal targets. I would like to set the record straight and make absolutely clear that this section is not aimed at prosecuting any religious or humanitarian groups that assist individuals in need. These people are not prosecuted now nor will they be in the future—nor should they be.

Instead, we need to stop the criminals who are smuggling people for financial gain and commercial profit. They are the ones hurting immigrants, not our religious and nonprofit groups.

I would also like to clarify for the record that this proposal does not make illegal immigrants in this country felons. It merely seeks to secure our borders as a first step towards resolving our illegal immigration problems.

I continue to push for border security first because I believe that it is our responsibility to work together to find a solution to this problem confronting our Nation. Our fellow Americans expect no less from us.

I continue to push for border security first because it makes common sense.

We all agree that the borders need to be secured.

And with a problem as pressing as illegal immigration, it is important that we work to build a consensus and that we concentrate our efforts on getting something accomplished that moves us along the path towards resolving this problem.

The disagreements we face all stem from the additional problem of what to do with the illegal immigrants already here. I am for securing the border first—and then developing a plan for the illegal immigrants already here. We cannot afford to miss this opportunity to begin solving this problem because we concentrated on the things we disagree about rather than working to make sure we accomplished what we all agree needs to be accomplished first.

Unless we secure our borders first, the problem will only continue to worsen and the number of illegal immigrants we need to address will be larger than it is now.

Unless we secure our borders first, the U.S. will never have a firm grasp on the interior problems we have as a result of illegal immigration.

Unless we secure our borders first, we will never be able to adequately address the remaining issues that illegal immigration present.

Unless we secure our borders first, we will miss this opportunity to begin solving a problem and we will have failed to properly do our jobs for the American people.

By implementing tough new changes to secure our borders we can take an important first step toward addressing illegal immigration.

Today as we continue this debate and we continue to think about the bill that is before the Senate, we need to redirect our attention and put border security first so we can then go on. The “do everything” bill that is before the Senate today will end up doing nothing. The reason is if it is passed by this Senate and goes to the conference committee, it cannot be squared with the House version that has already been passed. It will be easier to square the circle than it will be to bring these two disparate bills together, and that is why we need to do something to secure our borders first.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I come to the floor, and I am broadly supported by our caucus, because we come to a moment in time where people are looking at the Senate, America is looking at the Senate, and asking: Why? Why are we at a point where we are addressed with a problem that is not insurmountable—seemingly insurmountable at times but a problem which can be addressed, which addresses the issues that are so fundamental to our country—issues of national security, issues of fairness, issues of compassion—challenges that if not addressed will continue to grow, thereby threatening the security of the American people, who are watching.

Republicans are here—we see it right here on the floor right now—and we have been here since last Wednesday on a bill doing what the American people expect; that is, identifying a problem, discussing a problem, putting together amendments in order to take a bill to the floor and, therefore, improve a bill. And yet we are being denied that basic opportunity.

Right this very moment, we are here to address a national problem, a problem that is pressing. It impacts every American listening. I mentioned the word “fairness” because it is basically a matter of fairness—of fairness to a group of people, the 12 million undocumented people here in this country today, who, yes, came here illegally, but who are listening and watching right now and asking that question, Will my plight be addressed and addressed appropriately?

It has to do with fairness to the Senate, where each of us came here probably for different reasons, but to participate in governing and moving America forward to a future that we know will be safer, that will be healthier, that will be more prosperous; and fairness for our constituents, who are scratching their heads right now, at first maybe saying, well, there it is, the Senate, once again, not able to address problems, but then, after a moment, saying that is wrong; those are the people who are sent to Washington to represent us, to address the toughest, most fundamental problems that are out there today, and that is our security, our security, to address issues that affect internal enforcement of the laws of the land, a nation of laws, and, yes, a nation that has captured the richness of our immigrants.

Twelve million people are living in the shadows. I would argue that today our Democratic colleagues are living in the shadows by not standing up and addressing the problems, the challenges, the opportunities that have been identified. The minority refuses to vote. They refuse to give us simple votes, up-or-down votes, on issues we can debate on the floor, that we are ready to debate.

The other side of the aisle is refusing to govern. That is why we came to the Senate. They refuse to come to the

table to even attempt to address the problem. They are willing to let these 12 million people continue to struggle. They are willing to let our national security, by not addressing the problem, be compromised. They are willing to let our health care, our education, and our immigration system be crippled.

I come to the floor to make the statement that the immigration system is broken, and yet the Democrats today do not have the courage to address the problem, to fix the problem. They show a lack of courage, I think, conviction, and leadership to fix the problem. You fix the problem by doing something, not coming with a solution and saying: This is it; take it or leave it. It is to allow us to have an amendment proposed, to debate that amendment, and then to vote on that amendment.

What happens, then, when we take an issue that is totally nonpartisan—it is not a red State, blue State, liberal, conservative, Democratic or Republican issue—and all of a sudden politics gets injected into it? Thus I ask the other side of the aisle to please put the politics aside and allow this body—100 individuals—to cast votes, take up amendments and vote on them.

There have been a lot of media reports saying that caucuses are fractured—our caucus is fractured and the Democratic caucus is fractured. I think that in many ways can be overplayed, but it does reflect the fact—not the fracturing but the diversity of ideas, good ideas, that need to come to the floor and be debated in order to solve these huge problems that are out there: on the border, first and foremost; interior enforcement at the workplace; the temporary workers, the 12 million people.

We have ideas right here. There are 50 different people with a bunch of ideas, yet not one is being allowed to come to the floor, lay down their amendment, have the manager take up the amendment, debate it, and then vote on that amendment. And we are not going to all agree. That is what the Senate is all about: to debate, to deliberate, to discuss, and then to act.

I think our side has shown our courage to come forth and address a problem. There are not clear-cut answers and not answers everybody is going to agree with. But by working together—not Republican and Democrat, but by working together, each of us operating with our own convictions, allowed to vote with our own convictions, we can move this process forward.

It comes back to fairness again. It is the fairness for each of us. It is the fairness for the 12 million. It is the fairness for the immigrants who want to come to this country, yes, legally so they will have a clearly defined system.

I want to thank the members of my caucus for coming to the table. It is a tough issue, the whole immigration issue. It is a broken system. It demands to be fixed. They are ready to

fix it, but right now the other side of the aisle is not allowing us. Without fail, all of our people have come forward with good ideas. We do not all agree with each other—but to work together in a constructive way, bringing out the very best of this body, when, I would argue, over the last 24 hours we have seen the absolute worst.

I do believe the American people deserve better. And again, as I opened, I said the American people have to be scratching their head. Now I used to say this is another insufferable attempt of the other side to block, to obstruct, to postpone, to delay, but now I think it is beyond that.

We know the American people care passionately about this issue. It is time for us to come together—not Republican versus Democrat—and allow these amendments, in an orderly way, determined by the managers, to be debated and voted upon so we can move this country forward, where we know if we act we will be safer, we will give hope where there is no hope today, we will respond with compassion, because I have confidence in the system itself.

Mr. SPECTER. Mr. President, will the distinguished majority leader yield for a question?

Mr. FRIST. I am happy to yield to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my questions to the majority leader are whether the conduct of the Democrats is consistent with the usual practice of the Senate, which allows Senators to offer, at a minimum, germane amendments to pending legislation, and whether the position taken by the distinguished Democratic leader is consistent with the practices and protocol of the Senate?

His approach was summarized in a news conference yesterday that I spoke about on the Senate floor—I had a minor confrontation with the Democratic leader yesterday—where a question was posed by a reporter. Quote:

Senator REID, the Republicans are saying that you are not allowing amendments to be voted on on the floor. Is there a reason for that?

And Senator REID responded, and I quote:

We are happy to take a look at amendments that don't damage the integrity of the bill, but if it is going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have votes on those amendments.

My question is, is it up to a Senator or a caucus or a party or the Members on one side of the aisle to take a look at the amendments and decide whether they damage the integrity of the bill and to set a standard that if an amendment is going to be, in the estimation of the unified Democrats, an effort to denigrate this bipartisan bill, then they won't have a vote on that amendment? Or is it the practice and protocol of the Senate to allow Senators to vote

for amendments as individual Senators see the situation in their own right?

Mr. FRIST. Mr. President, in response to my colleague and the manager of this bill, it is clear that by protocol, precedent—and I would even take it back to something more basic than that—and simple fairness and respect for individual Members, Members be allowed to come forward and offer their amendments and then, yes, discuss it with the Democratic leader, the Republican leader, and especially the managers of the bill. But to think that the minority party can cherry-pick which amendments will be considered and no other amendments will be considered is totally outside of the realm of both practice, protocol and, again, fairness of the body itself.

Mr. SPECTER. I thank the distinguished majority leader for a very poignant, accurate, conclusive response.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. REID. Mr. President, I just hope that my friends on the other side of the aisle—and there isn't a single Senator over there I don't consider a friend and have great respect for—I hope they remember this exchange between the chairman of the Judiciary Committee and the majority leader today, as we wind down this session of this Congress. I want them to remember this because you don't have to have a very long memory to understand what has happened in the Senate with our inability to offer amendments. The most recent that I can think of, of course, was the Dubai Ports situation on lobbying. The next thing I can go back and look at is the PATRIOT Act, where the distinguished majority leader filled the tree.

There is no need—we went through this yesterday. There is no need to do this. But the Senate, in the 200-plus years it has been in existence—even though the rules are somewhat difficult to accept, they are here. And they are here for a reason. Because over the generations of the Senate, there is always the ability to have an endgame. There is a way to proceed orderly on a piece of legislation. And what we should do on this, if everyone is so upset with what is taking place here, is in the morning we will have an opportunity to invoke cloture. All germane amendments will be allowed, if they were filed before 1 o'clock today. There would be an opportunity then to debate these amendments and vote on them. So there is no more orderly way to proceed to a matter than cloture.

I wish to switch a little bit here and talk about something that is extremely personal to me. I have been a legislator for a long time. The first job I had in public office was in 1964. I have been involved in government for 42 years. I was a city attorney, served on county boards, the State legislature, and other such opportunities that the people of the State of Nevada have given me. I don't want this to be true confessions,

but I want to relate to the Senate that the biggest mistake I ever made, the largest error I ever made was 15 or 18 years ago, as a Member of the U.S. Congress, when, with my chief of staff, my dear friend Reynaldo Martinez—he and I played baseball together. He was a star on that team. I wasn't. But we beat everybody. We were the California Scholastic Federation champions when I was a sophomore in high school.

He was my chief of staff. He is retired, a wonderful man. He has credentials in the Hispanic community. He has had a school named after him in Nevada. He has a youth center named after him. He is a very famous Nevadan and my dear friend.

A group of people came and talked to us and convinced us that the thing to do would be to close the borders between Mexico and the United States; in effect, stop people from coming across our borders to the United States. This period of time for which I am so apologetic—to my family, mostly—lasted about a week or two. I introduced legislation. My little wife is 5 feet tall. We have been together for soon to be 50 years. As I said here on the floor a few days ago, her father was born in Russia. He was run out of Russia. His name was Goldfarb, his family. They were Jewish. My wife heard that I had done this. She does not interfere with my legislation. Only when I ask her does she get involved in what I am doing. I didn't ask her about this. She, in effect, said: I can't believe that you have done it. But I had done it.

To compound this, I held a meeting a day or two after being confronted by my wife, a meeting in Las Vegas. It was a townhall meeting to explain this travesty that I called legislation. My friend, Judge John Mendoza, was there, somebody who, when I lost my Senate race in 1974 by 524 votes, spent all night with me consoling me, but he was in that audience. Larry Luna, Larry Mason, Isabelle Pfeiffer, people I had not talked to about this, in addition to my wife, pointed out the errors of my way. I have done everything since that meeting in Las Vegas, in conversation with my wife, to undo my embarrassment.

I have nothing against my friend, the junior Senator from Alabama, for bringing up what I had said those many years ago today on the Senate floor. I have no problem with that at all. But I do want to tell him and the rest of my friends in the Senate, that is a low point of my legislative career, the low point of my governmental career. That is why I believe we need comprehensive immigration reform today. People in America are counting on us to move forward with comprehensive immigration reform. They recognize that this country's national security depends on securing our borders and fixing our immigration system. They all want us to do this, Democrats and Republicans, to come together and do this.

I still believe that the bill before us is a compromise. I believe it is a good

bill. It is up to my Republican friends to decide what they want to do. They can work with us to move forward and vote cloture and have some amendments that are germane postcloture. My friends, the majority, can move forward with a bill that will fix our borders and reform the immigration system or continue to stonewall. It is in the eyes of the beholder who is stonewalling. I think what we have here is a compromise. We have a real bipartisan opportunity to fix our immigration system. Thanks to the hard work of the Democrats and Republicans on the Judiciary Committee, we have a bill that will do it.

So I hope that tomorrow morning, an hour after we come into session, that there will be a bipartisan vote to invoke cloture, move forward with this legislation, look at those germane amendments, vote them up or down, and move forward with the process.

I, first of all, want everyone in this Chamber to know that there is no animosity between the two leaders. We have jobs to do. We do the best we can to fulfill those responsibilities. But as far as the two of us are concerned, there is no ill will toward me from Senator FRIST. He has never shown that on a personal basis. I have attempted not to do that with him. I will say on one occasion I did, and he brought it to my attention. I acknowledged that, and I understood what he was critical of. It was constructive criticism, and I took it as that.

I hope we can move forward. There have been proposals made by both sides. My friend's proposal on this side of the aisle was not acceptable. My proposal to him was not acceptable. But it is only 4 o'clock. Maybe something will happen before tomorrow morning's cloture vote.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, as I said in my remarks a few minutes ago, the disappointing thing to me is the situation we are in, in that in all likelihood, unless we have a radical departure in the next hour, the course we are on is to leave here in a few days having accomplished nothing for the American people. The American people expect more.

We all know that the institutions of government in today's world are watched by the American people because we were elected on their behalf to identify problems, to struggle and work through those problems through a process that has worked well for a couple hundred years, and that is debate and amendment. We have a bill on the floor that came out of the Judiciary Committee, a process I am actually proud of.

It has been confusing to people, I know, but I basically said: There is a problem out there that we know is there. It is getting worse. It affects the safety and security of the American people, plus the compassionate side, people dying crossing the borders, plus

12 million people who are having to wake up every day in the shadows out of fear that in some way somebody is going to come and touch them in a devastating way or not being able to report a domestic violence incident because it exposes them. That is wrong.

We have the opportunity—because of leadership, and working with the Democratic leadership, we got a bill to the floor, knowing 3 to 4 months in advance that we would be here now spending time on it—to fix the problem, to solve the problem. And maybe it is the surgical personality in me that says, if somebody in the room has cancer, you cut it out. You just don't sit there and talk to them and say: Come back in a few weeks or a few months or a few years, because they die from not acting and fixing it.

That may be too much my approach, but stepping back from that, I know this is a process here whereby if we start now and take the first amendment from last week, the Kyl amendment, which was introduced and has been discussed and debated, and last night we voted not to table it—why don't we take it and vote on it and go straight through, and then we would have the opportunity to effect a bill. I think we can improve the bill. I think it would get 60 votes for cloture, and then we could have a bill that would solve the problems that are out there.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, it is well known that there are a number of Senators who have been engaged in active negotiations and are trying to come to an agreement so that we could get this very difficult and challenging issue behind us. There are Senators GRAHAM, MARTINEZ, DOMENICI, BROWNBACK, HAGEL, and SPECTER, who led the legislation through the Judiciary Committee, and Senators GREGG, OBAMA, SALAZAR, DURBIN, and especially Senator KENNEDY. We have all been involved in negotiations and discussions morning, noon, and night, as have our staffs, as well as various outside groups. We are always very close to agreement. I cannot say we are going to reach agreement, but it is not for lack of knowledge, expertise, or dedication in trying to solve this issue.

Senator FRIST has encouraged us. We have met with him constantly and he has offered his encouragement as a leader and we are grateful for that. We are close. If we can reach an agreement, I think it would have 60 votes in this body. I haven't seen an issue in recent years that has so much emotion associated with it. Nor do I know of one that probably defines the Republican Party and the Democratic Party and what kind of a nation we are.

The occupant of the chair, Senator MARTINEZ, and Senator SALAZAR brought a perspective to this issue which is very valuable. Both have added life experiences on this issue. So it is not for lack of knowledge or expertise or talent, and we are very close.

But there has been a shadow on our discussions. The fact is the Senate has not moved forward with debate and amendments and votes. The Senate is supposed to do that. That is what this body is supposed to be all about. Now for a week and a half we have not been able to have a vote on a single issue. We should not be afraid to debate these issues and to vote on them. That is what we are supposed to do. We don't have to wait for cloture every time before we debate and have votes. Senator KYL and Senator CORNYN have devoted thousands of hours to this issue. They deserve a vote on their proposal. That is the way the Senate is supposed to function.

There are those on the other side who have amendments that probably would be very tough votes for those of us on this side. We are here to take tough votes. That is what we come here for—to take tough votes. I could argue, as we do maybe too often, legitimately that this is one of the greatest challenges we face in our time—securing our borders, taking 11 million people out of the shadows who are exploited every day, fulfilling the job requirements that we all know are necessary to ensure our economic future.

I want to assure the Democratic leader that those of us on this side follow the leadership of our elected leader. We cannot vote for cloture when it is proposed by the other side. The majority rules. The majority sets the agenda in the Senate. For there to be an expectation that somehow we would vote for cloture as proposed by the Democratic leader—I imagine if my friend from Nevada were in the majority, he could take great exception to the Senator from Tennessee filing cloture and then expecting the other side to follow that.

We have a short period of time. I hope as these negotiations continue—and we are close, I must say. I think my friend from Massachusetts would agree, although I must say he is very interesting to negotiate with. But I also point out that his word is good.

I hope people will listen to the Senator from Florida, who is in the chair. I hope people will listen to the Senator from Colorado, Mr. SALAZAR, and others who can explain to us better than anyone how urgent it is that we resolve this issue. Americans are unhappy with us, in general. But this issue has aroused passion in a way that few of us have ever seen across this country. In Los Angeles, Phoenix, Arizona, and New York City, and around the Nation, it seems to me we owe every American a resolution on this issue.

Can we please move forward with amendments, start voting, and then come to a resolution of this issue. I thank both leaders for their indulgence and my colleagues for their active involvement in this issue.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am sure it was an oversight by my friend from Arizona in just mentioning Senator SALA-

ZAR, but also Senator MENENDEZ has been involved in the things we have done over here, and he is a great addition to our caucus.

My friend from Arizona, who has established his credentials as being courageous as none of the rest of us have, except perhaps Senator INOUE, said we should not be afraid to take votes. So my suggestion—I made it yesterday and I make it today—is that there has been significant debate on the Specter-Leahy substitute. It is now before this body. We should not be afraid to vote on that. As I said, we are willing to vote. We don't need to have cloture. We can have an up-or-down vote on that right now. That is one alternative that could be considered.

Mr. FRIST. Mr. President, I think our point has been made. If we are going to address an issue that deserves to be addressed and that the American people expect us to address, we have to change course here from the last several days. It is going to require amendments and debate and allowing amendments to come to the floor. There is no comparable bill. The Medicare bill had 128 amendments; the highway bill had 47; the Energy bill had 70. But to think we can make progress on a bill flying through the Senate without the opportunity for debate and amendment is unrealistic. It is outside of the realm of what the American people expect and what our responsibilities are as Senators.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I so appreciate that the majority leader has called this to the Nation's attention because we have been working on this bill for almost 2 weeks now. The majority of the body has not had its say. The Judiciary Committee worked very hard on this bill. However, it is a bill that I could not possibly invoke cloture on before we have had a chance to have input and the opportunity to change it in the direction that the full majority of this body—hopefully, a resounding majority of the body—would support.

The House of Representatives passed a bill that probably not one Member of the Senate would support. That is not going to be the final position of Congress. The Senate is taking a different approach. The Senate, in general, agrees that there should be a guest worker program. It has been very difficult to come up with the right solution on how our country handles the 12 million people who are here illegally—a solution that is fair and equitable for the citizens of the United States and ensures law and order on our borders. It would be wrong for Congress to pass a bill which indicates border security is business as usual, or that the laws of our country can be broken with no penalty whatsoever. Most of us want to pass a guest worker program that allows people to come back and forth legally into our country, help our economy, earn their benefits and be able to keep them—not in the underground, but aboveboard. Most of us want that.

Unfortunately, the bill before us does not provide the right solution. Yet, we are sincere in our desire to amend it. That is what our leader is trying to say. I think it is wrong for the Democratic minority to hold up amendments and not allow those who have worked for hours, days, weeks, and months on this bill, to offer alternatives, hear debate, and start shaping a bill that would put our country in the right direction, secure our borders, keep our friendship with Mexico—our neighbor to the South, and treat people fairly.

Passing a bill that achieves these objectives is a goal I think we can all reach, but not if we cannot have amendments and are forced to vote on cloture. I could not possibly vote for cloture, nor could all but one or two on our side. That is not bipartisan. It is not the process we have followed in this Senate.

I urge my colleagues on the other side of the aisle to let us proceed with amendments. Don't waste the next 24 hours. Let Senator KYL have his chance to have his amendment voted on. Let others who have ideas have their amendments voted on.

I think one area we have not significantly addressed, one I would like to be able to talk about, is an alternative for people who do not seek citizenship in America. There are many wonderful Mexican workers in our country who want to remain citizens of Mexico, who intend to stay with their families in Mexico, but who desire the economic opportunities in America. Why would we not provide them an opportunity to come out of the shadows, to work and earn their pay in the open, and then go home? Why should they wait in a 10-year line for U.S. citizenship, which they do not seek?

Clearly, we have not fully vetted this issue. The Judiciary Committee worked hard to produce a bill, a bill which I do not support. Yet, they certainly worked hard, did their homework, and were very thorough. We need to have a chance to work on that bill with the rest of the Senate because most of us are not on the Judiciary Committee. Immigration is an issue that affects all of our States and our country as a whole. We need to address it in a sincere, productive way that will come to the right solution. The only way to do that is to allow the Senate to debate and vote on amendments. If we can come to a consensus, and have a 75-to-25 vote, or a 90-to-10 vote on a final bill, then we would have produced the right solution. We will not be able to do that if we invoke cloture before voting on amendments.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DURBIN. Mr. President, I am seeking recognition, standing on the floor.

The PRESIDING OFFICER (Mr. COBURN). The Chair heard the Senator from Kansas first.

Mr. ROBERTS. Mr. President, I tell my friend from Illinois that I will be very brief.

I understand all of the discussion has been about cloture. It has been about the process of the Senate. It has been about denying Members—in this particular case, on our side—the ability to offer amendments. Let me say that we are about to go on a 2-week recess without doing anything about trying to secure our borders. We are doing some things, but we are not doing the things we need to do. There are 32,200 reasons why we should move and why we should reach accommodation, if we possibly can, to pass a good immigration reform bill. That is 32,200 people who will be coming across our borders during the 2 weeks we will be in recess. And 2,300 are coming across per day as of today. There have been about 150 come across our borders illegally while we have been speaking.

As a matter of fact, as chairman of the Senate Select Committee on Intelligence, I know how this affects our national security. I know all the talk has been about procedure and germaneness and allowing amendments. But let me talk a minute about national security.

Mr. President, 1.2 million illegal aliens were apprehended as they came across our borders last year. Two or three times that amount were not apprehended. If you lived in Tucson, the number was about 439,000 who were apprehended. Two or three times that amount were not apprehended. If you lived in Yuma, in California, that number was about 140,000 approximately, and in McAllen, TX, there were 135,000 in just 1 year.

Of the 1.2 million who were apprehended who came across illegally—I am not talking about the ones who came across and were not apprehended—165,000 were persons coming from countries other than Mexico. Where did they come from? We are talking about the Middle East. We are talking about Southeast Asia. We are talking about Eastern Europe. We know because we have apprehended people from Afghanistan, Pakistan, Iraq, and Iran. We have actually apprehended people from Iran, 10 of them, and Somalia and Venezuela.

I want to say something about these folks. Their goals may be to find a job and be part of the American dream, but they may not be as well. And truthfully, I think that is only a snapshot of the reality.

I think the intelligence community can tell you who we caught, but they can't tell you who we haven't caught. So at 2,300 people coming across the border who are illegal every day—every day that we argue or that we don't argue it, that basically we don't have an opportunity to consider the amendments and move this bill forward, national security is being threatened.

I want Members to consider that and see if we can't work toward some solution that will allow a series of amendments to be considered and move on with this bill. Otherwise, in the next 2 weeks, I have to tell my colleagues, the people of Kansas are going to look at

me or, for that matter, every Senator and say: What on Earth are you doing going on recess for 2 weeks when you have 32,200 more people coming in, most of whom are not vetted and some could be injurious to the national security of the United States?

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I asked my staff how many amendments have been filed to this bill. The number is 228 amendments; 228 amendments have been filed to this bill. If you follow the proceedings of the Senate, you know there is no way on Earth we can consider 228 amendments and actually vote on this bill by the end of this week or even by the end of next week. It is physically impossible. Decisions will have to be made, as they are made on every single piece of legislation, on which amendments will be cut, which amendments will be considered.

I have had amendments that I thought were extremely important that didn't make the cut. That is the nature of this Chamber. Sometimes we have to step back and say at some point we will have to vote on a bill if we want a bill passed.

Our concern on this side of the aisle is that if we get mired down in the amendment process, we have a fundamental problem. What we are witnessing here you cannot analogize to a baseball game because in a baseball game, there is no clock. In the Senate, there is a clock, not just by day but by week. And at the end of this week, we are scheduled to go on recess.

For that reason, Senator HARRY REID, the Democratic leader of the Senate, filed a cloture motion yesterday. Under the Senate rules, that means that tomorrow morning at about 10 o'clock, we will vote as to whether we want to close off debate, close off the amendment number at 228, or let more amendments pile on.

What is the likelihood that we would consider and pass this bill this week if we allow all amendments to be filed that each Member wishes? There is no chance whatsoever.

What Senator REID believes and I share is that we have a historic opportunity. We may never get this chance again. The last time we had any serious debate about immigration reform was more than a decade ago. Honestly, the situation has gotten worse in this country ever since. Now we have a chance. We have a chance because on a bipartisan basis, the Senate Judiciary Committee produced a bill. It is not perfect, but it is a good bill, strongly supported by Senator KENNEDY on our side and Senator MCCAIN on the other side, supported by Republicans and Democrats who brought it out of the committee 12 to 6.

Our fear is that if we allow this process to mire down with hundreds of amendments, the clock will run out; we will have missed our chance.

It pains me to hear my colleagues on the other side of the aisle say there is

no way we can vote for cloture, there is no way we can vote to close down the amendments that are going to be filed here. We have to stand together as a party. I think there is more at stake. I think this bill, this bipartisan bill, is evidence that both parties can come together and must come together if we are going to solve an intractable problem, such as the problem of immigration reform.

America is not going to remember whether we considered 1 amendment, 5 amendments, 10 amendments or 20 amendments. America will not remember whether Senator KYL's amendment was called first or fifth in order. But America will remember with this vote tomorrow who was on the right side of history, who was on that side of history that said we have to move forward to reconcile a serious challenge in this Nation.

The Senator from Kansas talks about security. I am happy to report to him that every bill under consideration dealing with immigration has strong security provisions. There is a provision offered by Senator FRIST to make our borders stronger. Virtually the same provision is being offered on the Democratic side of the aisle in a bipartisan bill. There is no argument about enforcement, strengthening our borders, knowing who is here, where they work, where they live, and what they do. If we are going to be a secure nation, that is essential.

There is no argument about employer enforcement. It has to be part of an enforcement system.

Where we do have differences of opinion, of course, is what to do with 11 or 12 million people already here. We think we have struck the right balance, giving people an opportunity over an 11-year period of time to earn their way to citizenship. If they work hard, if they have a job, if they pay their taxes, if they have had a criminal background check, if they are learning English, if they know about our Nation's history and its civics, if the people who are asking for this clearly are good citizens, people of good moral virtue, those are the ones we want as part of our Nation.

I hear my colleagues on the other side of the aisle say unless we can call one amendment or five amendments before 10 o'clock tomorrow morning, we would as soon see this process stop. That would be unfortunate. Voting for cloture doesn't mean there is an end to amendments. It means there is a limited time for those amendments pending, some 30 hours. We still have time to debate and amend this bill, and we will. But Senator REID and I share in the belief that we need a process that brings this to a conclusion. There is no way we can deal with 228 amendments and have this bill completed this week. That is why we moved forward on this effort to try to file cloture on a bipartisan basis and move this bill to final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, first, I thank our majority leader for coming to the floor and pointing out what is happening because I think this is a miscarriage of justice, very unfair, and is an indication of what is fundamentally wrong with the Senate these days. It is important that in the light of day, the American people be told why immigration reform, on which the American people feel very strongly we should act and I believe they feel we should put great focus on border security, is long overdue.

We made runs on it in the past. I was around when we passed immigration reform, by title at least, in 1986 and again in 1996. It didn't work. We have to do more for border security. We have to decide if we want a temporary worker program, how is it going to be assigned, what are the responsibilities for it to be implemented, and exactly how are we going to deal with, again, 11 and 12 million people who are in this country.

Frankly, I have very little to say on this subject because I am not a member of the Judiciary Committee. I do not consider myself an authority, an expert on the substance, as is my colleague from Arizona, Senator KYL. He worked on it. He is on the Judiciary Committee. They discussed it, considered it for weeks and months. I have a lot of respect for the work that was done in the committee.

I have been proud that our majority leader, Senator FRIST, has forced this issue to a head. Some people have said: Wait a minute, we are not ready, we haven't had time to cook this issue; there are too many problems. We should have done this last year, and our leader has been saying since January this issue must be addressed. It is overdue, and it is going to be addressed. And, frankly, he told us when it was coming up—last week. He forced an action in the Judiciary Committee. Maybe it was a forced action, but it was time we acted.

I have made the point in a variety of forums in the last couple of days that this is what the Senate ought to be doing. This is a big, important, difficult issue. The American people expect us to act instead of sweeping around the edges on salami issues and all kinds of other issues. This is a big issue. This is an important issue. This is about who we are and who we are going to be.

Thank goodness the Senate is living up to the expectations our forefathers had for us: to take up a tough issue, have a debate, have amendments, and have votes. And all of a sudden people say: Oh, we can't have votes; we can't vote on amendments on both sides of the aisles. Senators are saying: I don't want to have to cast a tough vote. Hal-lalujah, finally we are going to do something that matters around here.

Will we get it right? I don't know. I have been trying to listen to both sides

of the debate. I want action. I hope it is the right one. But we are never going to know until we go forward and consider this issue and get it done in a responsible way.

If forced to vote on the bill that came out of the committee right now, I would vote against it. I don't think we have found a third way. I don't think we have found the sweet spot. I think we have to have more responsibility.

Illegal aliens are illegal. This is a very difficult, sensitive problem. We have to think about it. But I don't think we can say: OK, gee, say you're sorry and pay a fine and everything will be OK. It has to be more serious than that.

I was looking forward to amendments. Some people will say: Oh, vote for cloture, let's get this over with; there are too many amendments. We haven't voted on one amendment. We have been dragging around here for over a week now. Senator KYL has tried every way in the world to get a vote, and the minority in the Senate is blocking even a vote on a critical amendment by a senior Senator in the leadership of the majority, I might add, because they don't want to vote.

Frankly, for floor people, I note there are some ways this issue can be stuffed down the opposition's throat. I don't want to do that. I thought we were going to rise to the occasion and have a bipartisan debate.

This is the Senate. This is not the House. And, by the way, I have been a party to stuffing the minority, and people didn't agree with me. I filled up the tree. I filed cloture instantly on bills and on amendments. But almost every way, almost every time it backfired on me. I admit it now. I remember filling up the tree and blocking Senator MCCAIN from offering his amendment on campaign finance reform. I did it more than once. I told him I was going to do it. In the end, he won.

This tactic that has been employed by the Democratic leadership blocking even a vote on amendments on an issue of this magnitude is outrageous and, quite frankly, I am offended cloture has been filed by the minority leader. It is not unprecedented. It has been done 18 times in the last 10 years. Yes, I did it, too, and again, it doesn't add to anything. It destroys the potential for good will.

I will vote against any cloture motion filed by the minority leader. He does not manage the Senate. The majority leader does. And even when I disagree with him—I admire Senator MCCAIN standing up and saying: I am not going to support that. Senator MCCAIN has the high hand, he has the winning hand probably, but he said: Wait a minute, you can't block Senators from even having a vote on their amendments, even though he is going to vote against them and speak against them.

What have we done here? This approach cannot stand, it will not stand, and what I am going to urge our lead-

ership to consider doing is if we don't get something worked out by sunrise, then the Senate Democrats are going to be cut out. There is a way we can get an agreement between the Republicans in the House and the Senate, the majority in the House and the Senate, and force it to the floor whole-hog and say: Vote for it, up or down. It can be done. I don't want to do that. I object to that. But when David Broder writes these articles about how he can't understand why the majority doesn't work with the minority, hey, Mr. Broder, take a look at the Senate today. This is the kind of conduct which makes it impossible for us to get our work done and makes the majority decide to just ignore the minority.

I am one of those people whose votes hang in the balance. I am not locked into a position. I probably am willing to go further toward what the Judiciary Committee did than some of my colleagues. But I am offended by this, and it may affect my overall vote on the final product.

This bill has the potential to be bipartisan. It has the potential to be a major achievement by the Senate and by the Congress and, more importantly, for the American people. I hope our leadership will say: Oh well, maybe we just didn't talk enough to each other, and let's work this out. Let's go forward. We are not going to be able to finish this legislation this week. So what. Take next week. Take next month. This issue is too big, too important. The illegal alien problem we have in this country—and the need for immigration reform—is doing serious damage to our country. There are good aspects to the bill, but there is damage being done and the relationship between people is not moving in a positive way. This is where we show whether we are statesmen or political hacks who are just trying to find a way to avoid a tough vote.

I plead with my colleagues: Let's find a way to go forward on this and get a solution we can all vote for and feel good about. Right now, we should be ashamed of what we are doing and the way we look.

I yield the floor.

Mr. KENNEDY. Mr. President, I would like to take a few moments of the Senate's time to try to put this legislation at least into some perspective, as someone who has worked on legislation dealing with immigration for some period of time, so the American people can have an understanding of what this debate is really all about.

I think all of us understand what has been well stated here, and that is our borders are broken and porous. Ten years ago, we estimated that about 40,000 were coming into this country illegally and we were catching maybe almost half of them. Now the estimates are from 400,000 to over 1 million, and we are catching 5 or 10 percent of them. We have increased expenditures by \$20 billion in terms of law enforcement and building fences and increasing border

guards 300 percent over the period of the last 10 years, and it doesn't work. It has not worked, and it is not working today. Although there are a number of our colleagues who believe it offers the best way to try to get a handle on our borders.

That was the position which was taken by the House of Representatives and passed by the House of Representatives, effectively criminalizing every individual who is undocumented here in the United States and criminalizing any individual who might have been indirectly helping that person, whether it was a minister, a member of the clergy, or a nonprofit organization such as a humane group that operates in a feeding program or looks after people who have been in shelters. That is why Bishop Mahony, the cardinal of Los Angeles, said that the House legislation was such a vicious piece of legislation. Those aren't my words; those are his. That was the position of the House of Representatives. Many of us who have worked on immigration issues believe that is not the answer.

The fact is, it was the majority leader who introduced similar legislation in the Senate of the United States which to many of us represented the position of the Republican Party. That was the position which was introduced by the majority leader. There wasn't a great deal of turmoil or opposition at the time he did that, so that was why many thought that was going to be the position of the Republican Party. That is at least one aspect of this debate and discussion.

Another aspect of it: Some 3½ years ago, the Senator from Arizona, Mr. MCCAIN, introduced legislation dealing with immigration in a more comprehensive way—rather than just law enforcement, looked at other factors in addition to law enforcement. Over 3 years ago, I introduced legislation that looked at a number of different aspects in terms of legalization and other kinds of approaches but different from those of Senator MCCAIN. At about that time, Senator HAGEL and Senator Daschle introduced different legislation. This was all before the 2004 election.

Then, after the election, when we saw that these different pieces of legislation which were introduced were not working, Senator MCCAIN and I worked together and in May of 2005 introduced common legislation. We were convinced of a number of things. We were convinced, first of all, about the importance of securing our borders from a national security point of view. You have all these individuals who are coming in here, and in the wake of 9/11, we don't know who they are, and this presents a national security issue. If you have millions of immigrants who are virtually underground because they are undocumented, this is a national security issue. When we find out that Homeland Security is worried about different cells in different parts of the country, and we know we have millions

of immigrants who are subject to exploitation because they are undocumented, this is a national security issue.

So we looked at it and said: What are the features that are going to be necessary to deal with national security, because that is very important, and to deal with the fact that there is this magnet, drawing people to the United States, the magnet of the American economy so that strong individuals who want to provide for their families, work hard, play by the rules, and provide for their families are offered jobs by American employers? So they come here and send money back to look after their children and families, to develop a community. Many hard-working individuals have come, and many of them have enlisted in the Armed Forces of our country. More than 70,000 are serving in the Armed Forces of our country. Permanent resident aliens are in the Armed Forces serving in Iraq and Afghanistan.

So we said: What is necessary is we have to bring these people out of the shadows. How are we going to do that? We have to entice them out so they feel they can be a part of our American system, and how is that going to happen? Since they cut in front of this line instead of waiting their turn, if they were to follow the immigration laws, we would say: You have to go to the back of the line. You have to go to the back of the line. You have to wait until that line is cleared up. You have to pay a fine, pay your taxes, abide by the laws of this country, work hard, and then, 11 years from now—11 years from now—you will be eligible to become an American citizen. The other side says: We can't do that because that is amnesty. That is amnesty.

It is very interesting that whenever we talk about the undocumented, in many instances men and women who work hard, who are trying to provide for their families, who are devoted to their religion—98 percent of the undocumented are working today. Working. These are qualities which we admire—people who work hard, provide for their families, have beliefs in their God, are attentive to their church, care for their children—all qualities we admire. But that is too bad; we are just going to send them back or criminalize them. We are going to send them back.

So we have a difference here in the Senate. We have an agreement that we have to get a border and it has to be secure. We have the undocumented, and the question is, How are we going to deal with them? And we have differences in this body. Many say we have to send them back. We heard speeches even earlier today saying that we can't permit, under any circumstances, that they remain here in this country. There has been no talk about how they are going to do it. Of the 240 amendments that are before us, I didn't see any asking for \$240 billion to get the buses out there to ship them back, while their children, who are

American citizens, are pleading that they remain here, and their children are going to school and want their parents to stay. No, no. Let's just get a bumper-sticker solution and call it amnesty. Bumper sticker: It Is Amnesty. Bumper sticker: Bad. It is just a bumper-sticker solution, rather than dealing with a complex issue.

So Senator MCCAIN and I worked on this issue. We worked out the program, the penalties, the requirements for people who are here to be able to earn their way toward the possibility of citizenship, bring them out of the shadows, treat them in a humane way, understanding that we have a problem and an issue. And as much as those on the other side of the aisle might bellyache about this solution, they don't have any answer, other than criminalizing it. That is the answer they have: criminalizing. So we have what I consider a just solution. It may not be the right one, it may not be, but at least it is—I believe and the majority of the American people believe that earning your way to be a citizen in this country is an acceptable way to treat these individuals.

So then the issue is, we have a magnet here in the United States. Now we are talking about the border. How are we going to lessen the pressure on the border? There are a number of things in our bill. One is that we want to try to cooperate with Mexico, the countries of Central America, in terms of trying to work out more effective ways and means of being able to do it. There are a variety of different ways. The Mexican Government has indicated that. I think there are a variety of different ways of trying to do that to lessen the pressure. We have basically the only proposal that gives any consideration to that whatsoever, and I think it can be extremely meaningful.

We find the remittances, as they go back to Mexico, to many of these communities. So many of the people who are here remit funds because they care about their families and their communities. We could work with Mexico to lessen the pressure.

Nonetheless, we understand that we are still going to be a magnet. So we say: OK, let's set a figure. We had a negotiation, and 400,000 was the figure for temporary workers. After 4 years, they have an opportunity to petition for a green card and after 5 more years—to become 9 years—to be able to become American citizens if they demonstrate they have worked hard, paid their taxes, haven't run into trouble with the law.

So we are saying we want to make the borders secure in terms of the security issues, and we want to make it safe for people to come here, and we want to have a process so that the magnet which is the American economy will draw people in an orderly way—not to replace American jobs but to advertise and see if there are Americans available. But if they are jobs Americans won't do, there will be a

legal way for people to come in. So the person who is down in the center part of Mexico will have an alternative: Do you want to risk going across the desert and dying in the desert, or do you want to go to your embassy and find out if there is a job for which you are qualified and go to the United States and have at least some job protection in the job you have? That is the alternative. Legality. Legality. Legality in gaining entrance, not illegal across the border, earning the legal position by earning your legalization.

Then we have the enforcement provisions. In the United States, if employers are going to hire undocumented aliens, then we have 5,000 individuals who are going to be trained and equipped to be able to go after employers who are going to attempt to violate the law. The temporary worker gets the biometric card, comes up and presents it to the employer, and then we know he or she is documented. If not, then we know he is undocumented, and then that person is going to be subject to penalties. It has never been tried before, but it is a local process and a legal system.

What many of us are saying here tonight is we have a total package that talks about the border, talks about the temporary worker, talks about law enforcement, and talks about earned legalization. That is the package. That is the package that came out of the Judiciary Committee 12 to 6. Not bits and pieces, not just border security like the Republican leader had or like the House of Representatives had. It garnered 12 members of the Judiciary Committee, Republicans and Democrats alike, in a bipartisan way, after 7 days of hearings, 6 days of markups, and scores of different amendments. What Senator REID is talking about is why not let us have a vote on that particular approach to the challenge that we are facing on immigration? There are those who just want law enforcement—fine. But why is it that those who worked, and worked hard, and looked at this and studied it, and studied hard, and after days of hearings and a lot of work—why should we be denied the opportunity to have a vote on the total package?

That is what we are being asked. We are being asked: Let's split that package up somewhat. Let's try to divert it.

I know there are those strongly opposed to it. I respect them. I have heard them. I listened to them. They are on our committee and strongly oppose it. I strongly respect that. But aren't we entitled to at least a chance to have a vote on a comprehensive approach? What is so difficult about it? I agree with the Senator from Mississippi, this is important. We ought to be continuing on this issue. It is of vital importance and consequence. It affects the lives of hundreds of thousands, millions of people. We have seen what is out there, across the country—500,000 people in southern California, 100,000 people in Chicago. You are going

to see next Monday in 10 different cities, more than a million individuals who are out there demonstrating.

Why are we not dealing with this? Why don't we deal with it? What many of us are asking, including myself, is give us at least the opportunity to vote on that. If that is not successful, if we cannot get the majority here, then so be it. We have to find a different approach.

We talk about trying to work through these accommodations. I am always interested in listening to individuals, people who are concerned about this. We have had, as I mentioned, early in this debate, the extraordinary stories from our friend and colleague, the Senator from New Mexico, Mr. DOMENICI, telling his life story—the absolutely extraordinary story of his parents. We listened to the good Senator from Florida, MEL MARTINEZ, talk about this. I listened to my colleagues. KEN SALAZAR's relatives were here 250 years before any of our ancestors were here, down in the Southwest and out in Colorado. We listened to BOB MENEZES as well. We listened to our other colleagues who have been engaged in this. They understand its difficulty and its complexity.

We do have a recommendation from our committee. It seems that in the life of this institution we ought to be able to have a vote on that particular proposal. If it does not carry, then we will have to deal with the other reality. But to deny us the opportunity to get that as well as consider other amendments, as the Senator from Illinois pointed out, that will be relevant and current tomorrow, after cloture—I think would be an enormous loss.

I certainly have worked and I am glad to work to reduce the differences among views and opinions. I think all of us are going through the learning experience. As much as we know about immigration, we always learn more from talking with people who are concerned and interested and knowledgeable about these issues. The legislative process is an evolving process. I have certainly observed that over an extensive period of time. So we are always interested.

If there are ways we can achieve the outlines that we talked about, at least from my point of view then it makes sense. What does not make sense is to try to separate different groups against each other. That I find difficult to accept. We cannot have one group that has been here for a lengthy period of time, another group that has been here almost as long, and have them treated in different ways. That doesn't really solve the problem. It might help some people in terms of how they are going to vote on a particular issue, but it really is not dealing with the substance. We are interested in dealing with the substance, not just getting safe political positions for our colleagues. We want to get this legislation done.

We certainly want to try to find common ground, right up until the very

end. I will certainly work in any way I can. I know others are thinking and working hard on it. As has been pointed out by every speaker, this is too important a piece of legislation to let it slip by. It is too important.

I am proud of the proposal that is before the Senate. I think it is the result of a great deal of thought and examination by a variety of our different colleagues from all parts of the country and with all different kinds of constituents. When you get an issue that is as volatile as this, and you have a 12 to 6 vote and you have that kind of bipartisanship in this, recognize those of us who support this proposal understand it is a total kind of approach to the challenge. The single-shot approaches have not worked. Let's just try, here in the United States Senate, to give an opportunity for this comprehensive approach, which is meaningful in terms of our national security, is enormously important in terms of economic progress, and most important is a reflection of our humanitarian values. Let's give that a chance. That is what we are hoping, and I hope the Senate will give us that opportunity to do so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, before the Senator from Massachusetts leaves the floor, I wonder if I might ask him a question—if he would be kind enough just to respond to this, I hope.

The Senator from Massachusetts was one of the prime participants in our Judiciary Committee markup and meetings. He was on the prevailing side of the vote which passed out the bill which we are now debating.

I inform the Senator, by the way, it was my recommendation at the leadership meeting that rather than the leader's bill, the Senate judiciary bill be the underlying bill.

The question I wanted to ask the Senator is this: The Senator is aware of the Cornyn-Kyl bill, which to some extent is a competitor of the bill that passed. That was rejected in the Judiciary Committee; that is to say, we lost that vote.

The Senator was talking a moment ago about alternatives in the Senate, I believe. I don't think he would want to be misunderstood in this regard. He said there is no answer but to criminalize them. I know the Senator—I presume the Senator did not mean that in the Senate there has been nothing proposed except to criminalize the people who are here illegally because the Senator, of course, is aware of the alternative legislation Senator CORNYN and I introduced.

Would the Senator at all like to comment on that?

Mr. KENNEDY. The remarks that I had were directed toward the undocumented. The Senator from Arizona has an amendment that is portrayed as only preventing the adjustment status for criminals, but if you look and examine the various provisions which are included in the Senator's amendment,

they also include the status offenders which effectively would be denied any opportunity for the benefits of this legislation.

In the provisions included in the legislation—I haven't got the amendment right before me, but there are three or four different items that would do so. That, I think, goes to the heart of this whole process because effectively, if the Cornyn-Kyl amendment is adopted, it effectively takes out 60 percent, as I understand it, of those who are undocumented from any kind of adjustment of status.

I have listened to the Senator debate this. That is certainly my understanding and the understanding of others who studied it carefully, and that would leave the individuals in the kind of state they are today, where they would have an illegality in their current status and would continue to be subject to the kinds of exploitation which is happening now and continue to depress wages on other workers. I believe that would really strike at the heart of the legislation. I know the Senator does not agree with me on that.

Mr. KYL. Mr. President, if I could just ask the Senator from Massachusetts, I was not referring to the amendment which is pending on the floor of the Senate. I was referring to the Cornyn-Kyl bill, which is a comprehensive immigration reform bill that deals with enforcement at the border, enforcement at the worksite, a temporary worker program, a way to deal with the illegal immigrants different in ways from the bill that passed the Judiciary Committee but nonetheless is a comprehensive reform bill which was voted down. But it does represent an alternative on which we would like to have a vote on the Senate floor.

I wanted to give the Senator an opportunity to acknowledge that in the Senate there are alternatives to criminalizing the illegal immigrants—if he wanted to?

Mr. KENNEDY. I thought at the beginning of the Senator's comments he was referring to the amendment—

Mr. KYL. There was a misunderstanding.

Mr. KENNEDY. As the Senator notes, the House bill had the criminalization. The Frist bill had the criminalization issues. The Cornyn-Kyl does not have that particular provision. I do think when we voted on that issue, on the Durbin amendment, I think the Senator voted against the Durbin amendment, if I am correct, which was to decriminalize. So I don't quite know what the Senator's position is on the issue, but I stand corrected.

I was mentioning the House bill and the Senate majority leader's bill.

Mr. KYL. I thank the Senator from Massachusetts. In the debate and characterization of things, sometimes we make a characterization and it might be subject to misinterpretation. It may well not have been, but in any event, I appreciate the Senator's clarification.

I want to respond to several things that have been said here—first of all, to join the majority leader and the others who have spoken to the issue of the need for a debate and the ability to offer amendments and to vote on those amendments as a part of this very important legislative effort. I don't know that we will do anything more important this year than try to adopt comprehensive immigration reform. It is critical to my State. There are an awful lot of people in the State of Arizona illegally who do not enjoy the protection of the law, and should. Simply because they came here illegally, they should not be denied that protection. We need to find a way to ensure that in some way the status of everyone who works in and remains in the United States is in a legal status. It is also critical that we secure the border and provide an enforcement mechanism to ensure that people who work here work here legally.

Let me divide my remarks in two pieces, if I could, first of all, to respond to something the Senator from Illinois, the minority whip, had to say when he was here. He noted there are about 200 amendments that have been filed. His point was it is hard to figure out which ones to consider.

My point is this. If anything is certain, it is that if you do not start, you don't consider any of them. It is always the case that there are more amendments filed than are considered. But at least we start the process at the beginning of the debate. I laid down an amendment last Thursday afternoon. It is the pending amendment. This is Wednesday afternoon. Tomorrow it will be pending an entire week. It was the first amendment laid down. The other 199 followed it. We have not even gotten a vote on amendment No. 1 yet.

To complain that there are 200 amendments out there and we just don't know where to start and it has been a whole week and we can't figure out where to start and that is why we are stopping you from voting on any of them doesn't wash. Let's be very clear. The reason the Democratic side has prevented us from offering amendments and from voting on amendments is because they don't want to vote on them—period. It is not that there are so many they can't figure out which ones to allow a vote. They don't want to vote on them.

Why? There are two reasons. The first is they like the bill as it is. That is a perfectly legitimate point. But that is always the case with one side or the other. But whichever side doesn't like the bill gets a chance to try to amend it. If the majority is right, that they have the votes, they can vote these amendments down.

Senator KENNEDY just spoke to the amendment that is pending. He obviously does not think it is a good amendment. He is going to vote against it. I think it is a real good amendment and it goes right to a point of the bill that is pending before us:

should criminals be allowed to participate in the benefits of this legislation? I say no.

That is an amendment that people do not want to vote on. I guess that is the other thing. Not only do a lot of folks on the other side like the bill as it is, and therefore they don't want to see it changed—although that is not really a good reason for denying us a right to offer amendments—but I don't think they want to take a vote on some of these amendments perhaps because it is somewhat embarrassing.

I am willing to concede that there are lots of drafting errors. I have made some including on this bill. So it is not always the way you want it to be. But including crimes of moral turpitude and drug crimes—whoever drafted the bill on the other side—they felt they had cut out criminals from participating in the program. The problem is, there are a lot of crimes besides drug crimes and crimes of moral turpitude. I read that list. I think it would be better to simply say we agree that we didn't mean for criminals to participate, and either table the amendment or again vote for it or vote against it, whatever. But we could have had that done with a long time ago. Instead we have spent a day debating on whether to vote on the amendment.

As I said before, with all these 200 amendments you are never going to get any of them done if you do not start. The Democratic side has prevented us from starting. As the majority leader said, that is not acceptable. And for the minority leader to file cloture to cut off debate and cut off the filing of any other amendments, that adds insult to injury because then it says not only can't you debate this bill or amendments that are offered, but there can't be any other amendments offered.

There is talk about some kind of compromise. Clearly, if a new amendment is offered there should be an opportunity to respond to that in some way, including potentially offering an amendment to it. It is very difficult because of the complexity of this bill to ensure that any amendment is germane. That is a term of art which you will hear in this body, but that is all you can do after cloture is invoked, and it is hard to do that. It is no simple proposition to say let's close off debate and finish the bill, whatever is germane. That is very difficult to do. Choking off debate with a cloture motion is done to stop filibusters. There hasn't been a filibuster. We would like to get a bill. We would like to have debate and vote on amendments and vote on a bill.

Most of us in this body want comprehensive immigration reform.

The reason I engaged in the colloquy with the Senator from Massachusetts is because we have two competing versions. His version passed in the Judiciary Committee; mine did not. Both are comprehensive. They both deal with border security, with security in the entire area of the country, including at the workplace with a temporary

work program and with providing a new status for the people who are here illegally. They do that in different ways, but they both tackle the same comprehensive issue.

It is a straw man that anybody on this side doesn't want a bill.

It is also wrong to say that we can't start voting because we just do not know where to start. The reality is, we could have started and we should have started and this bill is not going to be completed until we start.

There were a couple of things that the Senator from Massachusetts said that I want to clarify. One is there is quite a bit of derogation with the House position. While there are some things in the House bill that I agree with and others that I disagree with, I must say this is a very different picture of what the House stands for and what Republicans stand for than what has been portrayed.

For example, I think there are probably many out there who believe the House bill stands for the proposition that we need to make it a felony for people to be in this country illegally. And since the House is controlled by Republicans, that must be the Republican position. Nothing could be further from the truth. I don't know of a Republican Senator, No. 1, who wants to have it a felony for a status violation of the immigration law or for crossing the border illegally.

What happened in the House of Representatives? Representative SENSENBRENNER, chairman of the Judiciary Committee, said we need to take that felony status and change it to a misdemeanor. So a vote was taken. On that vote there were 164 ayes and 257 nays. The vote lost. So it remained a felony.

Who voted against the amendment to make it a misdemeanor? Mr. President, 191 of the 202 Democrats voted against the amendment to turn the felony to a misdemeanor; 191 of the 202 Democrats voted to leave it a felony. The majority of Republicans voted to make it a misdemeanor.

Let us stop denigrating the House of Representatives, and in particular the Republicans, by somehow contending that either Republicans, or the majority of the House Members who are Republicans, wanted this to be a felony. It was the Democratic Members of the House of Representatives who voted to keep it a felony. The majority of Republicans voted to make it a misdemeanor.

We need to clear up some of the impressions that have been created around here because of very sloppy language. I will put it that way so I don't ascribe any bad motive to anyone.

Part of that impression could have been created. That is what I was trying to correct with the Senator from Massachusetts a moment ago when he said that the alternative was to round them up and send them back and that there was no answer but to criminalize them. I appreciated what the Senator said be-

cause the Senate does not have a bill to criminalize the status of aliens, certainly not to make them felons. And no one I know of has proposed an alternative to round them up and send them back. Everyone has agreed. I shouldn't say everyone because there are people who believe it is possible to somehow force all of the illegal immigrants to be returned to their country of origin. I think that is a very unrealistic option and that, therefore, it would not be appropriate to round up everybody and send them back. That is a false choice. There isn't a bill on the floor of the Senate today that does that.

Why are these false choices presented as the only alternative to the bill that is before us on the floor? As I pointed out, there are several other choices. One was introduced by Senator CORNYN and myself, a comprehensive bill that doesn't round up everybody and send them back but criminalizes everyone.

I think to engage in this debate we should engage with reason and without mischaracterizing things. There are good enough reasons to oppose each other's bill without mischaracterizing them. If I have ever mischaracterized anything—I hope I haven't—I apologize for it.

The Senator from Massachusetts said something else that is very important. He said it was a necessity to have an incentive for illegal aliens to come out of the shadows, and the bill that he and others had crafted provided this potential for citizenship to provide that incentive.

That is one approach. I disagree with it. But that is certainly an approach. But it is not the only approach.

I want to go back to what most people have said about the people who are here illegally to illustrate a point. Most folks say they just came here to do work that Americans won't do. Let me stipulate that many—in fact, the majority—of the people did come here to work. There is no question about that. Let us not forget that between 10 and 15 percent of the people who are apprehended when they come here by crossing the border illegally are criminals. These are bad people. They don't just come here to work. They come here for illicit purposes. They are criminals and they need to be dealt with as criminals. That is between 10 and 15 percent.

But there is another 85 to 90 percent who undoubtedly come here primarily to work, to earn money, mostly to send back to friends or relatives in their home country. So let us stipulate to that.

Most of them did not come here to become citizens of the United States. As a matter of fact, Senator HUTCHISON pointed out something which is very true. If you know one thing about Mexican citizens, it is that they are very proud. They have a beautiful country. It is actually a wealthy country. Their culture is a tremendous culture and they are very proud of it. They are very patriotic and nationalistic.

I think it is a bit odd that we—not me but many here—just assume that they all want to be citizens of the United States. Many want the ability to be here permanently, to reside here and to work here permanently, if that is their choice and they have green cards for that reason. Many other people from other parts of the world have green cards but don't choose to become citizens. That is fine. But we shouldn't presume that everyone wants to be a citizen simply because they came here to work.

The other fallacy is they came here to do work that Americans won't do. I think you have to amend that slightly to say that they came here to do work that Americans won't do at the price that people from other countries are willing to do it for.

In fact, there is a lot of work that Americans are willing to do, if the work is there, that people from foreign countries are doing today side by side. I mention the construction industry as a good example because in my State of Arizona it is hard to get enough good construction workers. There are many thousands, tens of thousands or more, working in construction that are illegal. I would quickly grant them temporary permits to work in the United States in construction. We need their help. But I also know that in the field of construction there have been many times when a very well-qualified American citizen construction worker can't find a job. It is very cyclical employment.

What we don't want to do is assume that all of the people who came here from another country came here to do jobs that Americans won't do and, therefore, there will always be a job for them because Americans will never do the work. Americans will do this kind of work. They will do it gladly. They don't want to do it for free. They do not want to do it too cheaply. But there aren't very many jobs that they will do for a pretty cheap price. If the jobs aren't there, obviously the reason we have a temporary program is to issue a temporary permit while the job is there, and when the work returns you can start issuing more temporary permits.

One of the problems with the underlying bill is you convert all the temporary permits into permanent legal residency and then you have no ability to ask anyone who is a guest here to leave because they have a right to stay here permanently even though there is no job for them some years in the future.

The point is, it is true that you need an incentive for illegal immigrants to participate in a legal program. All of the bills have different kinds of legal programs. The Cornyn-Kyl bill has one; the bill on the floor has one. We provide a lot of incentives and some disincentives. You can stay for up to 5 years under our bill. Nobody is rounded up and deported. You can stay for 5 years.

One reason that number was fixed was because the survey of over 35,000 Mexican citizens who are illegal immigrants said if they could stay for 5 years and participate in the guest worker program, 71 percent of them said they would then return home. I don't know that they all would. I think it is totally wrong to assume they all won't. There is an incentive to stay here for 5 years. You can also participate in a temporary work program when you go home. The sooner you go home the longer you can participate in that program. You can build a nest egg and take that back with you when you leave.

There are incentives in our bill as well. It may not be the incentive of citizenship. I don't think you have to have that incentive in order to, as the phrase goes, bring people out of the shadows.

Different people can argue about this. Reasonable people can differ about all of these things. I am willing to listen to the debate on the other side. But I would ask a favor in return. Just as we allowed the bill to be passed out of the Judiciary Committee, as the Presiding Officer is well aware—and we didn't filibuster the bill there, though it could have been filibustered—we allowed it to pass out knowing that it would pass over our votes. We had an alternative. It didn't have the votes to pass. We would like an opportunity to vote on that alternative on the floor of the Senate. Is that too much to ask?

We would like an opportunity to vote on about five amendments.

I am speaking now for Senator CORNYN and myself. That is all. We boiled it down to just five along with our underlying amendment. I would like the opportunity to do that.

When we debated the energy bill, I think the comment was there were over 70 amendments, and these were significant amendments. This isn't like the amendments to the budget bill. I think there have been two relatively insignificant—well, one good—I won't characterize them. There have been two amendments voted on. The authors, I am sure, thought they were all significant.

But the bottom line is nothing has gone to the heart of the bill one way or the other until that debate occurs and until those amendments are allowed to be offered and until they are allowed to be voted on. It is unfair to think that we could just shut off the debate, have one vote on final passage and be done with it.

I will say this because there is another Member of the minority here. I have another amendment that I have repeatedly tried to lay down. All it does is say with regard to the temporary worker program that before that program actually starts, the mechanisms be in place for it to work. The experts say that it takes about 18 months. You can start getting ready for it. You can put those mechanisms in place, and the minute they are ready, the program can start.

You might disagree with the amendment, but it is not an unreasonable amendment. There are a lot of folks who say: How can we trust you to have a workable program? And the answer is, watch us. We will create it. The sooner it is ready, you can start your program. That is the kind of thing we are talking about. I don't think they are unreasonable.

I appreciate the indulgence of my colleagues, but I wanted to clear up some things. You can't finish the voting until you start the voting. We need to start it. There are legitimate amendments. Nobody is filibustering.

Let us get on with the process so that we can conclude this important piece of legislation, get the bill to the House of Representatives, and hopefully be able to say at the end of this year that we were able to tackle and to successfully resolve the most difficult issue domestically facing this country today, the problem of illegal immigration.

I thank the Chair.

While the Senator from Maryland is present, allow me to congratulate her on her Lady Terps who in the first half didn't look like they were going to pull it out but came back like the champs they are.

Mr. ALLARD. Mr. President, I also have been working on a terrorist visa amendment. I call up that amendment, No. 3216, for consideration.

Ms. MIKULSKI. Mr. President, I object on behalf of the minority leader.

The PRESIDING OFFICER. The objection is heard.

Mr. ALLARD. I am very disappointed we cannot get that amendment up. I have been working now for some time to get that amendment to move forward. It is an amendment I filed last week. It is a simple, commonsense amendment that denies visas to advocates of terrorism. Yesterday morning, I came to the Senate to speak on that amendment and asked for a vote.

Now, more than 24 hours later, we have still not had a vote on my simple, 14-line amendment. It is just one example of the Democrats continued obstruction of well intentioned efforts to debate and make improvements to the immigration bill.

Put simply, the Democrats are denying me a vote on my proposal to deny visas to terrorists. Any Democrat who says this is anything other than partisan obstructionism are themselves in denial.

To demonstrate the height to which this obstructionism has risen, I am again going to explain what my amendment does and how simple it really is.

My amendment is so simple, in fact, that it adds only 6 words to the entire Immigration and Nationality Act. And half of those are the word "or." The other three are "advocate," "advocates," and "advocated."

These 6 words are narrowly targeted to address a loophole in our current visa system that is evidenced by the following statement:

Colleagues, believe it or not, this a heading from our very own Department

of State Foreign Affairs Manual. The same Foreign Affairs Manual issued to the Department's 25,000 employees located in more than 250 posts or missions worldwide.

Even more alarmingly, this is from the chapter that instructs our consular officers to whom visas should be issued. Visas are, of course, the ticket that foreigners, including terrorists, need to enter the U.S.

This instruction says to the consular officer deciding whether or not to issue a visa that they need not deny a visa to an individual who advocates terrorism. I, for one, cannot imagine a more pertinent ground for denial. If advocacy of terrorism is not grounds for exclusion, I don't know what is.

Not only am I concerned about the message this sends to our dedicated consular officers, I am just as concerned about the message this sends to terrorists. It says to them, feel free to lay the groundwork for an attack at home, apply for a visa, and come to America to finish the job. This is not the message that the U.S. should be conveying to terrorists.

This Congress has already passed important legislation denying visas to terrorists, including in the PATRIOT and REAL ID Acts. The REAL ID Act, signed into law on May 11, 2005, specifically states that one who endorses or espouses terrorist activity is inadmissible.

The real REAL ID Act became public law on May 11 of last year, 8 days after publication of this manual. Yet, today, more 10 months later, the State Department is still instructing its consular officers that advocacy of terrorism may not be a ground for exclusion.

Clearly, the State Department needs to be sent a message that we, in Congress, are serious about securing our borders. And particularly serious about preventing known advocates of terrorism—people who are most likely to wish harm to our country—from entering into the United States.

Admittance to the United States is a privilege, not a right. My amendment says, if you advocate terrorism, you lose the privilege of coming to the United States.

I would like the opportunity to debate this amendment. I, for one, am curious to hear from the Democrats their reason for opposing it.

It is a common sense amendment worthy of debate and a vote. I urge my colleagues to join me in calling for a vote on this legislation that slams the door shut in the face of advocates of terrorism who seek to enter our country.

I also submitted a second amendment last week which I believe is another commonsense amendment to improve the immigration bill.

My amendment No. 3213 calls upon the administration to develop a plan for securing the borders to curb the inflow of vast quantities of methamphetamine into this country.

Our Nation has been hard hit by the illegal trafficking of methamphetamine. My home State of Colorado is no exception. In just 10 years, methamphetamine has become America's worst drug problem—worse than marijuana, cocaine or heroin.

According to estimates from the DEA, an alarming 80 percent of the methamphetamine used in the United States comes from larger labs, increasingly abroad, while only 20 percent of the methamphetamine consumed in this country comes from the small laboratories.

Therefore, my simple amendment calls for a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government will implement to reduce the amount of methamphetamine being trafficked into the United States.

My amendment aims to build upon the methamphetamine provisions of the PATRIOT Act. We must impress upon the Secretary of State, the Attorney General, and the Secretary of the Department of Homeland Security the immediate need for a firm plan of action. It is imperative that such a plan include, at a minimum, a specific timeline to reduce the inflow of methamphetamine into the United States.

There must be a tough standard for keeping excessive amounts of pseudophedrine products out of the hands of methamphetamine traffickers. We must outline a specific plan to engage the top five exporters of methamphetamine precursor chemicals. It is important that we protect our borders to ensure national security and the safety of our communities.

Now, here we are today, 1 week to the day after filing my methamphetamine amendment, and still there has been no opportunity for a debate, much less a vote. I urge my colleagues from across the aisle to allow us to proceed on this and other amendments worthy of debate.

Mr. President, I yield for a question from the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Colorado for his leadership on this issue. I do not know if he saw the program "Frontline" recently, but it talked about the methamphetamine scourge that is affecting the United States and the fact that now more of this illicit drug is coming in from Mexico. It is a serious, serious problem. I congratulate him for addressing this problem.

I hope he understands that when we offered to call his amendment, asked for unanimous consent to call his amendment and adopt his amendment, there was objection on his side of the aisle. We stand ready at this moment to call your amendment for a vote and to adopt it immediately. I think it is a very important amendment, and it is one of those that was on the agreed list and, unfortunately, a Member on your side objected to it. So I hope we can get to it soon. I thank the Senator for his leadership on this amendment.

Mr. ALLARD. Mr. President, I understand negotiations are going on between the leadership in both parties, and my understanding is the methamphetamine amendment may very well be included in a managers' amendment and we will not have to be necessarily voting on that particular amendment.

There is a second amendment, though, that is very important we do bring up for a vote. I know this is also being discussed by the leadership. That is the one which states that advocates of terrorism be denied a visa.

I have two amendments. My hope is we can get that particular amendment up for a vote. It is the one I just recently asked for a vote on and was denied by your side. But I also understand the leadership on both sides are negotiating. I understand they are negotiating seriously. So I appreciate the fact it is being considered.

Mr. DURBIN. Mr. President, if the Senator will yield for a question or comment.

Mr. ALLARD. Yes.

Mr. DURBIN. I will just say that we believe the underlying bill, the Specter substitute bill, has very strong language to make it clear we do not want anyone in the United States associated with terrorism. We certainly do not want anyone in the United States associated with terrorism to reach legal status. That is reprehensible.

So I am prepared to offer to work with the Senator from Colorado on his amendment to make sure we have included that category with which he is most concerned. I thank him for his leadership.

Mr. ALLARD. Mr. President, I thank the Senator from Illinois for indicating support for that. I just think we need to go and get more specific language in the bill that we will be considering and, hopefully, will be reported off the floor of the Senate. I am just trying to address that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3420

Mr. SESSIONS. Mr. President, I send to the desk an amendment to the underlying bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 3420 to the language proposed to be stricken by amendment No. 3192.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 3421 TO AMENDMENT NO. 3420

Mr. NELSON of Nebraska. Mr. President, I send to the desk a second-degree amendment to the Sessions amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. NELSON] proposes an amendment numbered 3421 to amendment No. 3420.

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

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, over the last hour or two on the floor of the Senate there has been a procedural move by some Senators on the other side of the aisle which reduces the likelihood of a compromise on the immigration bill. I sincerely hope it doesn't end this effort because I think there are people of good faith on both sides of the aisle still trying to find a way to pass this important piece of legislation.

I want to give special credit on the Republican side of the aisle to Senator MARTINEZ, who I believe is working as hard as any person can to find the right language that preserves the basic principles of the Specter substitute, the bipartisan bill which passed the Senate Judiciary Committee. I hope he is successful. But there is a deadline looming and that deadline is a vote tomorrow morning on a motion for cloture.

Cloture is a procedure in the Senate which closes down debate and says we will limit the number of amendments that may be considered in the 30 hours after cloture is voted favorably. I am hoping that before tomorrow morning people of good will, trying to find a way to break this deadlock, will be able to do so. But the procedural effort by Senator KYL a few minutes ago is going to make that a little more difficult. I still think we can achieve that goal.

I also want to address a couple of comments made by the junior Senator from Arizona on the floor concerning the history of this bill and the process that led to this day. This last Sunday I was on a talk show, "Face The Nation," with Chairman JAMES SENSENBRENNER of Wisconsin, the chairman of

the House Judiciary Committee. He is the author of the House immigration bill which passed in December. That bill includes very serious criminal penalties for those who are living in the United States undocumented, who may number as many as 11 or 12 million people. It also includes very serious criminal penalties for those who would help them reside in the United States if they are undocumented.

The charge under the Sensenbrenner bill is aggravated felony. It is the same charge leveled at someone accused of being a rapist. It is an extremely serious criminal charge, and the Sensenbrenner bill which passed the House includes this aggravated felony charge.

Most people across America believe the House bill has gone way too far in charging so many people who are in the United States with such a serious crime. On the floor it has been said by the Senator from Arizona that there was an effort to reduce that penalty to a misdemeanor on the floor of the House and that unfortunately the Democrats did not support that effort. It is true that 190 Democrats did not support that effort because they do not favor a criminal penalty for those who are here in an undocumented status. So ultimately the majority party in the House, the Republican Party, prevailed and the bill came to us with an aggravated felony as a charge against those who are here undocumented and those who help them.

What it means in the real world is that people of faith who are volunteers at soup kitchens or shelters for homeless people and those who are victims of domestic violence, volunteers who help children of the undocumented, tutoring them for classes, helping them in their lives, coaching their teams, nurses who provide volunteer assistance at clinics that treat the undocumented in the city of Chicago and around the United States, would be subject to a felony charge under the Sensenbrenner bill.

Senator SPECTER came to the Senate Judiciary Committee and offered an alternative. His alternative reduced the criminal charge to a misdemeanor. We brought that up for a vote in the Senate Judiciary Committee and I am glad that on a bipartisan basis we removed the criminal penalty that was in the original bill. I think that was a positive step forward.

The Senator from Arizona, who has raised this question, did not support our efforts to remove criminalization from the Specter bill, but the bill as it comes to the floor, thankfully, does not include criminalization. I hope that is the end of that issue as to whether we are going to charge Good Samaritans with a misdemeanor or a felony for helping needy people across America. I hope it is not revived as one of the concepts in this immigration reform.

The junior Senator from Arizona, Senator KYL, also raised questions about whether people who were guilty

of a crime should be allowed to become legal in America or citizens in America. We tried to be very express in our statement in the bill, the Specter substitute, which was drafted originally by Senators MCCAIN and KENNEDY on a bipartisan basis, that if you are guilty of a crime we don't want you as an American. We understand you have done something in your life which disqualifies you from what we are going to offer you, a long and serious opportunity to find a pathway to legalization and citizenship.

Under the Judiciary Committee bill, the Specter bill as reported, the following is a partial list of crimes that make an individual ineligible for legalization. I read this list because there have been suggestions on the floor by the Senator from Arizona that we are not serious about this. Let me tell you expressly the crimes that would disqualify you from ever becoming a legal resident of America or a citizen under this bill: Crimes of moral turpitude such as aggravated assault, assault with a deadly weapon, aggravated DUI, fraud, larceny, forgery; controlled substances offenses—sale, possession, distribution of drugs and drug trafficking; theft offenses, including shoplifting; public nuisances; multiple criminal convictions. Any alien convicted of two or more offenses, regardless of whether the offense arose from a single scheme of misconduct and regardless of whether the offenses involved moral turpitude, for which the aggregate sentences to confinement were 5 years or more, crimes of violence, counterfeiting, bribery, perjury, certain aliens involved in serious criminal activity who have asserted immunity from prosecution, foreign government officials who have committed particularly severe violations of religious freedom, significant traffickers of persons, money laundering, murder, rape, sexual abuse of a minor, possession of explosives, child pornography, attempts or conspiracies to commit most of these offenses—and there are some security-related crimes that make a person ineligible as well, espionage or sabotage—engaging in terrorist activity.

The reason I make special note of that is there have been references several times on the floor by the Senator from Arizona to Mohamed Atta, the fact he was a terrorist, a man who was responsible in large part for the tragedy of 9/11. Make no mistake, that bill would not give him an opportunity to become a citizen of the United States. Why in the world would we ever consider that? I am sure the Senators from both sides of the aisle who supported the bill would never, ever consider that possibility.

Those who were associated with terrorist activities, representatives of a terrorist organization, spouse or child of an individual who is inadmissible as a terrorist, activity that is deemed to have adverse foreign policy consequences, and those who are members in a totalitarian party.

We have cast the net far and wide to disqualify people from even being considered for legal status in this country if they have been guilty of this type of conduct.

So though the Senator from Arizona and I may disagree on some other aspects of the bill, when it comes to criminal activity I think we are in agreement. Criminal activity is going to disqualify you from being considered for legalization in the United States. That is a tough standard, but it is the right standard and I hope we can make it clear during the course of this debate that we believe it is important to maintain in the bill and that the amendment of Senator KYL does not add anything, really, remarkably, to this criminal disqualification.

The bill which passed out of committee, of course, sets up several things. First, it sets up an enforcement mechanism which is substantial, much like the amendment offered by Senator SESSIONS of Alabama in the committee. It adds 12,000 new agents to our Border Patrol, adds 1,000 investigators a year for the next 5 years—that was Senator SPECTER's amendment; new security perimeter, under Senator SPECTER, virtual fence, tightened controls, exit/entry security system at all land borders and airports, construction of barriers for vehicles and mandating new roads where needed, fences, checkpoints, ports of entry, increased resources for transporting aliens, new criminal penalties for tunnels—that was a recommendation of Senators FEINSTEIN and KYL—new criminal penalties for evading immigration officers, by Senator SESSIONS—all of these amendments accepted, included in the bill in the enforcement section—new criminal penalties for money laundering offered by Senator SESSIONS, accepted as part of this bipartisan bill.

There is an amendment on a comprehensive surveillance plan by Senator SPECTER; and also, I should say, expanded smuggling efforts, improved interagency cooperation on alien smuggling; increased document fraud detection; biometric identifiers; expanded detention authority; and increased detention facilities and beds.

We require the Department of Homeland Security to acquire 20 new detention facilities to accommodate at least 10,000 detainees, a suggestion by Senator SESSIONS which is part of this bill; expanded terrorist removal grounds; expanded aggravated felony definition; increased Federal penalties for gangs; removal of those who have failed to depart; increased criminal sentences for repeat illegal entrants; new removal grounds; passport fraud and fraud offenses as a ground for removal; removal of criminals prior to release; new authority for State and local police to investigate, apprehend, arrest, detain, or transfer aliens to Federal custody; immigration status in the NCIC database now becomes an element that we require; we prohibit time limits on background collection; impose criminal penalties for aid for the

undocumented; assistance to States to help prosecute and imprison undocumented criminal aliens; stronger employment verification procedures; penalties for employers who hire undocumented aliens are increased; additional worksite enforcement and fraud detection agents.

We add 10,000 new worksite enforcement agents, 2,000 every year for the next 5 years, and 5,000 new fraud detection agents, 1,000 each year for the next 5 years.

I read this lengthy list so the Record would be clear that we have made serious efforts on a bipartisan basis to accept amendments even from those Senators who oppose the underlying bill so there is no question that we will have strong enforcement standards to secure our Nation's borders, and to also say those employers who ignore the law will be penalized and will be investigated so that they understand we are serious.

The reason, of course, I bring this up is the suggestion earlier that this bill would not strengthen our borders. I think it does. I think it makes a genuine effort on a bipartisan basis to deal with our broken borders.

It also says, however, that once in the United States, for the undocumented status we will give you a chance, a chance to work your way to citizenship. It is a long journey. It has many serious requirements as you move toward that goal, and many people won't make it. Some will fail in the effort. But if you want to become legal in the United States of America, you need a clean criminal record. And I spelled out here the crimes that would clearly disqualify you.

You must show you have been employed here since January of 2004. You must remain continuously employed, pay approximately \$2,000 in fines and fees, pass a security background check, pass a medical exam, learn English, learn U.S. history, pay all your U.S. back taxes, and then if you have met all nine requirements, you go to the back of the line. It is your turn after all of those who have applied through the legal processes which are currently available.

So those who argue this bill is amnesty and it is automatic, that it is a free ticket to citizenship overlook the obvious. These are stringent requirements. Many people will never meet them. Some will give up. But those who are determined to become American citizens and a part of our country, determined to be legal in their residency, who work hard and achieve it, if they keep their eye on the goal—and the goal is after 11 years—will finally see that day when they can be sworn in as a citizen of the United States.

Tomorrow morning we are facing a very serious vote on cloture. There have been a lot of arguments made on the floor as to whether the right amendments have been called. We tried to bring additional amendments to the floor in the last couple of days, un-

successfully. There have been disagreements about which amendments should be called and in what order.

I don't think history is going to long note or remember what order the amendments were that were called before this bill is up for cloture. If the cloture vote fails tomorrow, if 60 Senators don't step forward to vote for it, sadly that could be the end of immigration reform for the entire year.

It is a very busy calendar we have in the Senate. It deals with things that are of great urgency. When we return after the Easter recess, we will have a supplemental appropriations bill for our troops in Iraq and Afghanistan. It is a very high priority. The Defense authorization bill will follow; then a string of appropriations bills that need to be enacted before we take our 4th of July break.

There is a lot to be done. I am hoping we can get it all done. But the thought that we can carve out another week or two to return to immigration at a later date may be fanciful. I am not sure we can achieve that. This is the moment.

Tomorrow many Senators will come to the floor and decide whether they will be part of history, whether they will cast a vote for cloture which brings to the floor a definite deadline and timetable for debating this comprehensive immigration reform.

It has been decades since we took this up seriously. We have spent a lot of time. We have a strong bipartisan bill. We have a bill that is supported by business and labor groups across America, including many religious groups that have come forward and encouraged us to do this in the name of humanity and of American values.

Tomorrow, with this cloture vote we will have a chance to be on the RECORD for time immemorial as to where we stand on this issue.

Some have already decided to oppose this bill. They are going to, postcloture. I understand that. But for those who think they can vote against cloture and argue they were for this bill, they may have a tough time describing that to the people back home.

I think about those I met this last week. I mentioned it earlier on the floor. The students in the Catholic high school in Chicago are following this debate every single day. They know their future is at stake. These are children who came to the United States at an early age because their parents decided to come here. They have lived here their entire lives. They have gone to school here, lived in the neighborhoods of America, and some have been extraordinary successes against great odds. Their life's dream is the same dream those children have, to be a part of America's future and do something good in their lives. They will be denied that opportunity if the DREAM Act, which is part of this bill, does not pass. They will be illegal and undocumented. If the legal system catches up with them, it will tell them to return to a country they cannot even remember. If

it doesn't catch up to them, they will continue to reside in the United States in undocumented and illegal status, unable to get a driver's license in many States, unable to be approved to be teachers and licensed to contribute to America, unable to secure the important jobs that can make a difference in our future. Their fate is tied to this bill.

Those who vote against cloture tomorrow have basically said we don't need them; that we don't need to pass the DREAM Act; that these children and their fate and their future is none of our business. I think it is.

I think these young people, some of whom I was with this last Saturday, are amazing. They have overcome the odds. They want to contribute, have the chance every kid in America wants, to prove themselves and have an opportunity to show they are worthy of American citizenship. Why do we turn them down? Wouldn't we want to make certain they have that chance? A vote for cloture tomorrow is going to give them that chance. A vote against cloture will not.

There are many who will argue that they are against this bill. I hope other amendments will be offered.

Senator KENNEDY came to the floor earlier and said if you don't like this bill, vote for cloture. Close down the amendments that can be offered, limit the amount of debate and then vote against the bill, if that is your wish. But give us a chance.

Tomorrow morning we will be asking for that chance from 60 Members of the Senate which is necessary for that cloture motion to prevail.

Senator KYL suggested that the only way to move forward to a vote on this comprehensive package and the amendments is if his amendment is voted on first. Senator KYL was in discussion with me this morning and acknowledged that we need to sit down and make some important changes to the amendment which is presently before us. There are some parts that are vague and uncertain. Lives hang in the balance.

I tried to make it clear to Senator KYL there are ways he can use his own language that he used in previous bills and tighten up the language in his bill so there is no uncertainty and less vagueness. I am prepared to sit down with him and the staff. I tried to reach him during the course of the day. I know he is very busy. If he wants to work to bring the language together on this amendment, I want to work with him and hope we can find a way to strike some good language that might be supported on both sides of the aisle.

I see the chairman of the Senate Judiciary Committee on the floor. I will not miss this opportunity to say while I have the floor that I respect him very much for what he has done in the committee, the hard work in committee which I am proud to be part of. I thank him for his hard work in bringing this bill to the floor. We have had a rocky

period of time during the amendment phase—not nearly as many amendments as I would have liked to have seen called. But I hope after the cloture vote tomorrow we can roll up our sleeves in the remaining period of time and do the right thing, pass the Specter substitute with some key amendments and show that this Senate is dedicated to true, comprehensive immigration reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I appreciate the contribution the distinguished Senator from Illinois has made to the Judiciary Committee. When he says we have had a rocky time, he is a master of understatement.

Again, he didn't hear my comment, like earlier today in responding to one of his questions. He was conversing. So I will repeat this one.

When the distinguished Senator from Illinois says we have had a rocky time on the amendments, he is a master of understatement.

I share his hope, although not much expectation, that we will be able to complete action on this bill before we adjourn for the recess. The Senate is a phenomenal institution, smarter than any of its Members or the composite of all of its Members—not that that would necessarily take a whole lot. But the Senate has functioned for a long time as an institution where there seems to be a way to work through these issues ultimately. If we cannot find that answer before we adjourn for the recess, it is my hope we will find it shortly thereafter. This is an issue and a problem which has to be addressed and has to be solved.

(The remarks of Mr. SPECTER pertaining to the submission of S. Res. 426 are printed in today's RECORD under "Submitted Resolutions.")

Mr. SPECTER. Mr. President, it appears conclusively at this point that we are not going to make any—I was about to say any more progress. I can't say that because that suggests there has been some progress. We can't make any progress on the immigration reform bill, so that my colleagues will be aware that nothing further will happen on that bill for the remainder of the evening. Hopefully, we can make some progress overnight and in the morning on the proposed compromises so we can have a fruitful day tomorrow.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank the distinguished Senator from Pennsylvania, the chairman of the Judiciary Committee, for his good work in producing a bill that has become the subject of debate in the Senate dealing with a very important issue to our Nation, something that people are extremely engaged in, one that has generated a lot of debate and a lot of controversy around the country but clearly one that needs to be addressed.

I have listened and observed as the debate has gone forward and listened to the content of that debate over the past several days and come to somewhat of an objective point of view because I come from a State that is not a border State. We do not have to deal with the issues on a daily basis affecting many of our States on the northern or southern border.

Having said that, it is an issue which has captured the discussion being held across this country even in States such as mine, the State of South Dakota. The reason for that is very simple: People see day in and day out some of the images broadcast across the television screen and the people who come to the United States illegally. They deal with the burden and cost associated with some of the public services associated with illegal immigration in this country. So they view it very much as taxpayers. They view it as an issue that, frankly, needs to be addressed. They want to see the Senate act in an appropriate and a timely way.

I have to say, too, I have heard a lot of people in the Senate reference their ancestry. Various Members of the Senate have described in detail how their ancestors came to this country, the personal perspective they have on the issue, and the experiences that have helped shed light and inform their opinions about it. I, too, am not the exception to that. I have roots that go back, with a grandfather that came here from Norway, back in 1906, along with my great-uncle Matt, when they came through Ellis Island. The name that I now have, the Thune name, was not their name. Their name was Gjelsvik. They came through Ellis Island and the immigration officials asked them to change their name because they thought it would be difficult for people in these United States both to spell and pronounce. They did not speak a word of English. I should say, almost no English. My understanding is that when they boarded the train that took them to South Dakota, the only English they knew were the words "apple pie" and "coffee." So they had a lot of apple pie and coffee between Ellis Island and South Dakota.

They came to this country for the same reason that people all over the world come to this country. I am very sympathetic to those who want to come to the United States for everything that we stand for: for opportunity, for freedom, to live the American dream.

My grandfather and my great-uncle came here and worked on the railroads when they were building the Transcontinental Railroad into South Dakota. They put their money together to start a merchandising company that later became Thune Hardware. So they were small business people in this country, something that so many people aspire to all over the world. They want to come to the United States for the miracle and for the dream that is America.

I am sympathetic to the history and the culture and the tradition we have as a nation of being a welcoming country, a country that says to bring your poor, your huddled masses yearning to breathe free. I approach the debate on immigration from that perspective, that context of having a grandfather, one generation removed from me, who came to this country for all the various reasons that people today continue to want to flock to America.

As I have listened to the debate, I have tried to give consideration to all the different perspectives that are presented. It seems to me, at least as I try to make decisions about this, formed by my constituents in South Dakota and formed by my experience, background, and my history, to come to conclusions in the best interests of our Nation, in the best interests of continuing that tradition of treating those who come here fairly, but also the importance of American principles.

One of those American principles is the rule of law. We are a nation of laws, and that entails that we have to be able to enforce those laws. If we cannot enforce those laws, if we are not going to apply and adhere to those laws, those laws end up being pretty meaningless and irrelevant in the long run. I come to this debate with some principles in mind, not having drawn any hard conclusions on any specific piece of legislation but wanting to see the Senate do its work, wanting to see the Senate do what the people in this country expect us to do, and that is to confront the big issues, to deal with the challenging issues, to vote on the big issues, to bring resolution and clarity to the problems and the challenges that face this country.

What is perplexing about what is happening in the Senate right now is we have a base bill that has been reported out by the Judiciary Committee. Granted, it may not be the perfect bill. Frankly, there are many who would like to see that particular piece of legislation amended. Many of us would like to vote on some of those types of amendments that could be offered. Regrettably, the minority has decided they are not going to allow votes on amendments, allegedly because they are votes they do not want to put their Members in precarious political situations, having to make votes on amendments they would rather not vote on.

As a consequence, we are not having votes on amendments. We are just basically blocking the whole substance of this debate from going forward and the Senate from doing the work that the American people expect us to do and, frankly, what the tradition and history of the Senate would suggest that we ought to be doing; that is, amending this base bill, having this debate, this discussion, allowing people with different ideas and different perspectives and different points of view to come in and offer their amendments, to have those amendments debated, to have

people listen to that debate, and then come and vote on those amendments so that eventually we can produce a product that is the composite view of the Senate, reflective of a majority of the Senators.

What has happened in the Senate is the minority has decided, one, we are not going to vote on amendments. If we do have any votes on amendments, they will dictate what those amendments are that we will vote on. So far as tomorrow, insisting on a cloture vote on the underlying bill without having allowed any of the debate on any of the amendments so that we have an opportunity for people to be heard, people to offer their amendments, and people to improve, in their view, in their particular point of view, the legislation before it is ultimately passed out of the Senate and goes to conference with the House and enacted into law.

The fundamental problem with the way the Senate is functioning in this debate is that if we fail to allow individual Members to follow what is the protocol of the Senate, what is the tradition of the Senate, and that is the institution that allows for open debate, the institution that allows for amendments to be offered to legislation, for individual Senators to come over and to have their point of view heard in that debate and offer amendments that are more reflective of their particular idea about how this problem ought to be addressed or this challenge ought to be met, we are undermining the basic foundation of what this Senate and this institution is all about. But, more importantly, we are keeping the people's business from being done.

We are, if we have this cloture vote tomorrow—and I suspect the minority will insist on this cloture vote because they want to have a vote on this bill without having any debate on any of the amendments that our side wants to have votes on and report a bill out. You have the minority of the Senate dictating the terms and conditions under which we will have this debate, the amendments that will be voted on, and, ultimately, the shape of the bill that will come out of here.

This side of the aisle, the majority, 55 Members of the Senate, want to be heard on this issue, as well. What we need to understand is, yes, there are rules that allow the Senate to slow things down, to allow for extended debate on subjects, but ultimately we need to move the process forward. That means voting on legislation.

We had a big debate in the last couple of years about inaction in the Senate due to obstruction, due to blockage, due to dilatory tactics employed by the minority. People have rejected that. People in this country want action. They want action on this specific issue. This is an issue that generates strong emotions all across the country.

Frankly, I believe the American people expect and they deserve better than what they are getting from the minor-

ity in the Senate who have insisted, again, that we not vote on amendments that the majority wants to offer. Basically, we report the bill out, they dictate the bill that passes the Senate.

That is not right. We have heard people get up on both sides today, both Democrats and Republicans, and speak to this issue. We heard earlier today the Democrats get up and say: We are not really trying to block this. We are willing to vote on amendments—our amendments, just not your amendments, not amendments that are offered by the majority side in the Senate.

That is not to say they do not have some good ideas, but the truth is, there is not a monopoly on good ideas on either the Republican or Democrat side, and this Senate ought to be allowed to work in the way it was intended to work. Republicans and Democrats can both offer their amendments and they can both be voted on and we can shape the legislation in a way that is reflective of the majority view in the Senate.

Tomorrow we will have a cloture vote. It will fail because the minority is going to insist we have a cloture vote. But no one on this side is going to allow the minority to dictate the terms of this debate or the amendments that ought to be considered or to block having votes on amendments that the Republicans in the Senate would like to have votes on.

As I said before, I tried to approach this debate in a very objective way and, frankly, as I look at it, there are some very critical components that need to be in a bill. First and foremost, border security. As I said earlier, one of the reasons that America stands unique in all the world is we are a nation of laws. We respect the rule of law. It means something in America.

There are other places in the world where the rule of law does not mean much, and tyrants and dictators come up with their own version of what the laws are. Here in the United States, we have a Constitution. We are a constitutional Republic. We have laws. We abide by those laws. We need to enforce those laws.

We have not been doing the job we need to be doing of enforcing our laws with respect to the borders, controlling the borders in this country. That has all kinds of implications. This should not be lost on the American people. One of the reasons people in South Dakota care about this issue, even though we are not a border State is, they understand, as I do, that controlling and protecting and securing our borders is a matter of national security. Irrespective of where you come from in the world, if you come to the United States—as I said earlier, I have Norwegian ancestry, but if you have Hispanic ancestry, European ancestry, Asian ancestry, whatever—when the terrorists come across the border like they did on September 11 to destroy and kill Americans, they do not discriminate about where that individual

comes from in the world. They want to kill Americans, pure and simple. I don't care what your race or national origin, ethnicity is, flatly, very simply, this is a matter of national security. And securing our borders has to be the fundamental component around which we build this debate.

That is one of the principles I come to the debate with. Again, I have no previous position as we enter this debate about individual pieces of legislation. I am listening to it. I will have the opportunity, I hope, at some point, if the Democrats will allow us to, to vote on amendments. But the reality is right now we are not having that opportunity. Again, I simply say that as a matter of principle, ultimately we need to report a bill out of here that does secure the borders of the United States so that people in this country can know with confidence and can trust that we are serious about keeping our borders secure if for no other reason than as a matter of national security.

Secondly, I would say, as a fundamental principle, we have to enforce our laws. There has been a big debate about: What do you do about people who are already here illegally? I think that is a very important question in this debate. There are somewhere between 11 and 12 million people, we are told, who have come to this country who are now here illegally, and we have to figure out, from the standpoint of status, how we deal with those people in this country.

But, again, a fundamental underlying principle ought to be that we cannot reward illegal behavior. We want to reward legal behavior. We want to reward people who came here and who followed the rules. I heard lots of people get up and talk on the floor about their ancestry and how they came to this country, but I suspect most of them, like my grandfather and great-uncle, came here by the rules that were put in place. They followed the law.

We want to encourage and provide incentives for that kind of behavior. For people who want to come to America, we have a process by which they can come here, but it is consistent with a set of rules and laws we have in place. We have to make sure we are encouraging legal behavior, that we are discouraging illegal behavior, that we are not putting incentives in place for illegal behavior and, furthermore, condoning or conferring benefits on people who systematically decide to break the law.

So I happen to be of a view that I believe in a guest, temporary worker program, perhaps some form of permanent resident status. But I think, again, when you start talking about conferring the benefits of citizenship on people in this country who are here illegally without some sort of penalty for that—in other words, if we just wave our magic wand and say anybody who is here can stay, and so be it, we have done a disservice to our history and our traditions as a nation of laws.

I think it is important we understand there needs to be consequences to illegal behavior. We have talked about amnesty. It has been thrown around a lot here. Essentially, what that means is there is no consequence to behavior that is illegal. I think it is important we make it fundamentally clear to people who do want to come to this country that we are a nation, yes, of immigrants, we welcome people, but we want people to come here according to the laws.

I would say that at the end of day, when this is all said and done, again, we need to have votes because this is an issue that around the country is generating tremendous heat, tremendous emotion, and has been percolating for some time. As people look at the images on their television of people who come here illegally, they are worried about national security, they are worried about the economic consequences, the consequences to the taxpayer of providing services to people who are here illegally.

People want action. They want action by the U.S. Senate. I think we have a responsibility, in this body, after everything is said and done—and usually what happens in the Senate is more gets said than done—but when everything is said and done, to come together on legislation that would accomplish the goal; that is, to address the issue of immigration in a way that is fair and in a way that is consistent with our culture and our history and our tradition as a welcoming country but is also consistent with our tradition as a nation of laws. I believe we can come to that kind of a resolution here in the Senate if—if our colleagues on the other side will allow us to vote on amendments.

Now, the Senator from Georgia, who is currently the Presiding Officer in the Senate, has an amendment I would like to vote on. It is called the trigger amendment. Basically, it says that until it is certified that the borders are secure, then all these other issues we are talking about with respect to this debate are just conversation; that, first and foremost, we have to secure the borders, and it has to be certified we have made the efforts, that we are serious about doing that. I think it is a good approach. At least it ought to be an approach that is voted on.

Now, our colleagues on the other side, the Democrats, do not want a vote on the amendment of the Senator from Georgia because they do not think that would be a good political vote for them. What it suggests to me is we have colleagues on the other side of the aisle who are a lot more concerned about having an issue, a political issue, than they are about having a solution to this problem. What we need in the Senate are more people on both sides, Republicans and Democrats, who will confront this issue for what it is.

That is probably the most difficult, challenging issue that is facing the

country, on a domestic level at least, currently or for some time. We are fighting a war on terror in Iraq. It has demanded a lot of attention and a tremendous amount of resources. But when it comes to domestic issues—and there are many. I am very interested in this body working on issues. As we move forward throughout the year, we have votes scheduled on health care reform because health care costs are critical. We have to get that under control in this country.

We are going to have votes on extending some of the tax relief that will allow the economy to continue to grow and to create jobs and to make sure the economic engines are keeping this country moving forward. We are going to have votes on those types of issues as we go forward. And, of course, we are going to deal with the annual appropriations and budget process, and a whole range of other issues before the year is out.

They are important issues. They are all important to the American public. But I would submit to you that right now there is no more urgent issue, no issue that demands an answer, that demands a solution, that demands action by the Senate than the issue of immigration.

And what is the Senate going to do? Are we going to move forward? Are we going to, consistent with the tradition and the history of the Senate, allow for debate and allow for votes on amendments or are the Democrats, the minority in the Senate, going to continue to insist on blocking amendments, votes on amendments, simply because they do not want to vote on certain amendments because those amendments might be tough political votes for them?

Well, we all make tough political votes. There are amendments they are going to offer that I will not want to vote on. In fact, there may be some amendments offered by colleagues on my side of the aisle that I really do not want to vote on. But we are here to vote. That is what people send us here to do. It is to do the people's business.

It is important we have the opportunity to deal with what is the most important singular issue I think the American public is focused on today and that they want us to deal with. It is the responsibility of the Senate to debate—allow for extended debate—to consider amendments, but ultimately to vote. That means voting on amendments that are offered both by my colleagues on the Democratic side as well as my colleagues on the Republican side, even if they are amendments that I may not want to vote on.

I have to say again, there are amendments I probably would rather not vote on, if I was thinking purely about the political consequences of some of these votes. But the fact is, we are here to vote. We are here to do the people's business. It is high time we did it.

I encourage and I urge my colleagues on the Democratic side to join with my

colleagues on the Republican side in putting aside the politics, putting aside the delaying tactics, putting aside the obstruction and the blocking of the agenda, and allow us to move forward to vote on amendments and to report out of the Senate a bill—and it may not be everything we want but allow this institution to act in the manner in which the people of this country expect us to act, and, frankly, in a way the American people deserve.

So I hope tomorrow will be the day we will break the logjam, that we will be able to get a bill we can report that the Senate can take a final vote on but that is reflective of the majority views in the Senate, including an opportunity to vote on individual amendments and to move this debate and this process forward so we can get into conference with the House and shape a bill we can put on the President's desk that will send a loud, clear message to the American people we are serious about border security, we are serious about our Nation's history as a nation, a welcoming culture, a nation of immigrants, but we are serious about enforcing the rule of law in America.

Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields back.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, as a prelude, we have a number of requests and items of business to take care of. I will explain here shortly.

#### MOTION TO COMMIT

Mr. President, I move to commit the bill to the Judiciary Committee to report back forthwith with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] moves to commit the bill to the Committee on the Judiciary with instructions to report back forthwith the following amendment No. 3424.

Mr. FRIST. I now ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 3425

Mr. FRIST. I send a first-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3425 to the instructions to the motion to commit.

The amendment is as follows:

At the end of the instructions, add the following amendment:

This section shall become effective one (1) day after the date of enactment.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3426 TO AMENDMENT NO. 3425

Mr. FRIST. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. FRIST] proposes an amendment numbered 3426 to amendment No. 3425.

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

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

The amendment is as follows:

Strike "one (1) day" and insert "two days".

#### CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk on the pending motion to commit.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to commit S. 2454, the Securing America's Borders Act.

Bill Frist, Arlen Specter, Michael B. Enzi, Lindsey Graham, Trent Lott, Chuck Hagel, John McCain, Mitch McConnell, George V. Voinovich, Mel Martinez, Lamar Alexander, Norm Coleman, Pete Domenici, Orrin Hatch, David Vitter, Johnny Isakson, Jim DeMint.

Mr. REID. Parliamentary inquiry: Does this mean there are no other amendments in order? I couldn't file another amendment now, could I?

Mr. FRIST. Mr. President, that is correct. At this moment in time, you would not. If we were allowed to go ahead on the amendments, and once we start disposing of the amendments, this is something that would be in order.

Mr. REID. I was curious why we aren't able to offer any amendments at this time, but we can talk about that tomorrow.

Mr. FRIST. Mr. President, the point is well made.

#### CLOTURE MOTION

I send a cloture motion to the underlying bill to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

Mr. FRIST. All right. Mr. President, what we have just done, so our colleagues will understand, is as follows: Tomorrow morning, notwithstanding the fact we have yet to vote on even the very first amendment offered, we will have a cloture vote that—

Mr. DURBIN. We have adopted three.

Mr. FRIST. I will stand corrected. No, I will not stand corrected. On the very first amendment that was offered we still have not had a vote. And, yes, there have been several other amendments that have been addressed. We will have a cloture vote, which was filed by the minority leader, on the underlying Specter substitute amendment, and that will be the first vote tomorrow morning.

I suspect that cloture vote will fail. And we have been very clear about our desire on this side to consider amendments from Senators on both sides of the aisle and our willingness for votes. We discussed that over the course of the day. It appears that this will not be likely and, therefore, we will be prevented from making any real progress on the bill.

So moments ago I offered a motion to commit, which incorporates an amendment by Senators HAGEL and MARTINEZ and others who have been working on this amendment over the course of the day. The fact that those cloture motions were filed tonight means that we would have the cloture vote on that motion on Friday. And depending on the outcome of that cloture motion, we could have a second cloture vote on the underlying bill, the so-called Frist bill, as well.

So we will have the Specter cloture vote tomorrow morning, and then one or possibly two other cloture votes on Friday morning.

Mr. REID. Will the Senator yield?

Mr. FRIST. I am happy to yield.

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, I would hope, the amendment—we have a general idea what it is about—I would hope this amendment is one, as it has been related to me, that is such that it improves the underlying Specter substitute, that it deals with only the legalization process.

I would hope, after Senators and staff pursue that amendment in detail tonight, that it is something we could all support and move on to completing the bill as soon as germane amendments were offered and debated and voted upon.

It would be great if we could end this very acrimonious week on a high note. And we will not know that until we study this amendment. We are hearing of a lot of things that are in it and not in it. So time will only tell.

I would say, through the Chair to the majority leader, because we have already had phone calls in the last half hour or so from Senators—they have asked me, as the distinguished majority leader did earlier today, if I would agree to earlier cloture votes. I do not know what the pleasure is of the Senator from Tennessee, if you want to wait until Friday, or you want to try to complete this tomorrow.

Mr. FRIST. Mr. President, through the Chair—and we had discussed the possibility of that a little earlier—I think it is best for us to make that decision tomorrow, only because the Hagel-Martinez amendment is a negotiated compromise amendment that none of our colleagues have had the opportunity to really see yet.

I have had numerous phone calls over the course of tonight as well. I think it is important people have the opportunity to look at that carefully tomorrow and see how much time it takes for people to have both the opportunity to look at it themselves, as well as their staff. We ought to keep that potential on the table.

Mr. REID. So unless there is some agreement, the two cloture votes would begin occurring an hour after we come in on Friday.

Mr. FRIST. Through the Chair, that is correct.

Mr. REID. Is that right, I say to the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. FRIST. There may be some other cloture motions to consider on Friday, which I will come to here shortly.

#### UNANIMOUS CONSENT REQUEST— S. 1086

Mr. FRIST. But before doing that, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 251, S. 1086. I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, Mr. President, Senator KENNEDY and other Senators have been told prior to this piece of legislation passing there would be a vote on hate crimes legislation that has been in this body for a long time.

I would hope—and it is my understanding the chairman of the committee had worked this out with Senator KENNEDY—we could, at an early date, I mean in a matter of hours, work this out. This sex offender registry is