



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, FRIDAY, MARCH 31, 2006

No. 39

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, April 3, 2006, at 2 p.m.

## Senate

FRIDAY, MARCH 31, 2006

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

### PRAYER

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

Let us pray.

Lead us, O Lord, through the challenging roads of our world. Impart to us the wisdom to make wise decisions that lead to life and harmony. Make us quick to listen, slow to speak, and slow to anger. Bind us together in one great family with many different opinions but a respect and esteem for each other.

Lead the Members of this body toward common ground. May they unite their efforts for the good of all, so that Your will may be done on Earth.

Remind us that everyone shall give account to You, the author and finisher of our faith.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, we are immediately resuming debate today on the border security measure that is pending. Yesterday we were only able to complete action on one amendment, and we have three additional amendments still pending. During today's session we expect to set up votes on those amendments so that others may get into a queue for consideration.

With only a week left before our Easter break, it had been my desire to have more votes yesterday and today. We were unable to reach any agreements to allow that to happen, but today we do need to make progress on setting up votes for Monday. We need to put in full nights and days next week to complete the bill and, therefore, I am prepared to have several votes on Monday to begin to process as many amendments as possible. I encourage Senators to come to the floor today and Monday and use this time for any statements they may have on the border security issue.

### BORDER SECURITY AND IMMIGRATION REFORM

Mr. FRIST. Mr. President, so far this week, we have had good debate, strong debate, robust debate, on strengthening our borders and crafting a comprehensive immigration plan. Everyone

agrees we need to secure our borders, that our national security is at stake.

We are also in agreement that we need to craft a comprehensive immigration plan that is compassionate, reasonable, and fair, that upholds our immigrant tradition without crossing over the line of granting amnesty. As I have said before, a nation that cannot secure its borders cannot secure its destiny.

I am gratified by my colleagues' support for my amendment yesterday to have the Department of Homeland Security collect data on the terrible problem of border crossing fatalities, of deaths of people crossing the border. The amendment also suggests policies to reduce the number of these tragedies.

As I mentioned on the floor, over the past decade over 3,000 men, women, and children—families—have died along our borders, in many cases because of the brutality and indifference of criminal human smugglers who, at the first sign of trouble, abandon their human cargo in the desert to suffer and die.

We have an obligation to protect our borders, but we also have an obligation to protect and preserve the life of every person who sets foot on American soil. I am hopeful that by gathering this information on this tragic problem, we can devise the best methods to put an end to it.

I am also certain that as we continue with the larger debate, we will be able to craft a comprehensive plan that deals fairly with the 11 to 12 million illegal immigrants now residing within our borders without granting amnesty.

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



Printed on recycled paper.

S2677

I believe the Judiciary Committee bill—the bill that came out of the Judiciary Committee—goes too far in granting illegal immigrants with what can fairly be described as amnesty.

We will hear a lot of debate on what is amnesty, and I hope there will be some consensus over time coming out of this debate as to what amnesty actually is. I believe the Judiciary bill does enter this realm of amnesty, and, thus, I am very hopeful that over the next several days amendments will be offered on the floor to pull back from this amnesty provision.

I disagree with the amnesty approach. I do not think we should be rewarding illegal behavior, not just as a matter of principle but also because granting amnesty now will encourage people in the future to cross the border illegally, expecting amnesty to be granted every 5 years or every 10 years or every 15 years. It undermines our securing our borders. It gives an incentive for people to cross our borders, not just legally but illegally, if we grant amnesty.

In the coming week, I look forward to my colleagues coming to the floor to offer a variety of ideas and solutions to these problems, these challenges. I hope they will have ample opportunity to do that.

I said 2 or 3 months ago, we would have 2 weeks—in essence, 2 weeks—on the floor of the Senate to provide an opportunity to come and debate and amend whatever bill came to the floor. I am concerned a little bit that we are entering into a delay or a postpone mode. I say that because we did not have votes last night, after my amendment—or late yesterday afternoon—and we are not having votes today. It does take consent on both sides of the aisle to have these votes. I encourage my colleagues on both sides of the aisle to come forward so we can have that debate, we can have that amendment, we can have those votes, and define this bill in a way that will reflect the majority of people on this floor.

An example: Last night, Senator AL-EXANDER offered his widely supported Strengthening American Citizenship Act—a beautiful and a very important amendment. It is reasonable. It is common sense. It is patriotic. It would help newly arrived immigrants to learn their responsibilities and assimilate the habits and privileges of American citizenship. Unfortunately, however, the other side objected to allowing a vote on the amendment.

I mention that because we cannot run the bill that way throughout. We have to have the debate, we have to have the votes in order to define this bill. We need a debate that is robust, that is vigorous, that is open, that is participatory in the sense that people can come forward and get the votes they deserve.

I have set up a process to be as fair as possible so all points of views are heard. Many of the Senators, understandably, do want to offer amend-

ments. For my part, though we began with the Securing America's Borders Act, a bill I brought to the floor, the first amendment was Chairman SPECTER's amendment, and that is to offer the Judiciary Committee bill as a substitute. I, and I think the whole body, accept that out of deep respect for the committee process and the great work the committee has done thus far and the right for the committee's voice to be heard.

I am optimistic about where we are going with this bill. It is interesting, in our caucus, and I know in the Democratic caucus as well, there is a lot of discussion going on. You can't help but to pick up the papers now and listen to the radio and watch television and not see this discussion of these very real problems being put first and foremost in the headlines and in the stories.

I think that is healthy because we have problems which we have failed to address as a people, problems we absolutely must address, the problems of people crossing these borders illegally, at a rate that about 2.8 million people came across our Southwest border last year. That number is increasing every year by about 25 percent. These are illegal people coming across the borders. It is a problem that is there. It is a problem that is growing. It is a problem we have to address.

The challenge which is probably the most difficult is how to address the 11 million people who have crossed those borders in the past, probably 7.5 million of whom are working, many of them families. Many of them—I guess all of them—came here with the intention of a better life. But they broke the law and they are here illegally. How can we treat them with compassion and understanding but not give them a leg up among other law-abiding people who also want citizenship?

Those are challenges. I think everybody is struggling with that. I appreciate it. And it means we are going to have passionate debate, contentious debate. Not everybody is going to agree on even those two issues I mentioned. It is going to be a highly charged issue. There are deep feelings and deep and strong principles at stake.

The process will work. I am confident in this body the process will work if we keep our debate civilized and dignified and fair to every Member of the body. And by "fair," I mean allow people to come to the floor and offer those amendments and have them voted on.

As I said when I introduced the border security bill, I do want our debate to reflect our commitment to the rule of law and to our proud immigrant heritage—to both. We are a nation of immigrants, and we have all benefited from America's uniquely inclusive character. I believe we can honor both our history and our laws, and by working together, we can forge a solution that does credit to this body and to the American people.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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. MCCONNELL. I ask unanimous consent that I be allowed to proceed as in morning business for up to 10 minutes.

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

## HONORING OUR ARMED FORCES

SERGEANT RYAN MONTGOMERY

Mr. MCCONNELL. Mr. President, I ask my colleagues to pause for a moment today to commemorate the life and sacrifice of SGT Ryan Jay Montgomery.

Sergeant Montgomery of Greensburg, KY, served with the 623rd Field Artillery in the Kentucky Army National Guard. On July 3, 2005, he gave his life in defense of our country near Baghdad, Iraq. He had served his Nation as a citizen-soldier for almost 5 years. He was 22 years old.

On that day in July, Sergeant Montgomery and two of his fellow Kentucky National Guard soldiers were returning from escorting a supply convoy when, just outside of Baghdad, a roadside bomb struck his humvee. The other two soldiers were injured; sadly, Sergeant Montgomery was killed.

For his valiant service, Sergeant Montgomery was awarded the Bronze Star Medal, the Purple Heart, and the Combat Action Badge. He had previously received both the Army Commendation Medal and the Armed Forces Reserve Medal. And he was awarded the Kentucky Distinguished Service Medal, for demonstrating all the qualities of a great soldier, remaining combat-focused while decisively engaged with the enemy, performing his duties and accomplishing his mission.

While a student at Green County High School, Sergeant Montgomery started a Junior ROTC program there, for kids interested in a military career. The discipline and purpose of Army life appealed to him, so young Ryan decided he could better himself through joining the Guard. Enlisting before he finished high school, he hoped to use money from the Guard to help him pay for his education necessary to realize his goal of becoming an architect.

Ryan's mother, Patricia Montgomery, said that Ryan's service in the Kentucky National Guard could "give him a better start in life." His twin brother, Bryan, who never strayed far from his brother's side, was so impressed by the opportunities the military gave his brother that he, too, decided to serve, and ended up a member of Bravo Battery, First Battalion, in the 623rd Field Artillery—the same unit as his brother Ryan.

Before he was deployed to Iraq, Ryan worked two jobs in addition to his

work with the Guard. He was training with the Green County Fire and Rescue Team, to become a volunteer firefighter. He also helped out with the junior ROTC program at Green County High that he had formed, teaching classes and encouraging the students who were following his example to serve their country.

Sergeant Montgomery was deployed to Iraq in January 2005. Ryan and his unit were charged with escorting the many supply convoys which traveled in and out of Baghdad, often a hazardous assignment, and also searching for the enemy or their deadly roadside bombs. Sergeant Montgomery successfully took part in 130 missions. As his father, Raymond Montgomery said, "He really felt like he was doing good over there. He absolutely loved it." Before deploying to Iraq, Ryan's unit also served in Kuwait.

During his downtime in Iraq, Ryan could most often be found working on his humvee with his twin brother Bryan, who served as a mechanic for the 623rd. He would also write or e-mail the folks back home, or he would talk or watch a movie with his brother Bryan. The two didn't get a lot of free time together in Iraq, but they usually saw each other every day.

Born in Greensburg, where he lived his whole life and which is the county seat of Green County, Ryan and Bryan were known as twin cut-ups, according to their mom, Patricia. She recalls that the two identical brothers would often switch clothes to confuse family friends and babysitters.

Patricia remembers that Ryan taught Bryan how to ride a bike when the two were little. As a child, Ryan loved family dinners. And he loved to make people laugh. "If you see someone without a smile, give them yours"—that was Ryan's motto, according to his mother. Bryan recalled, "My brother and I always lived like a laugh could solve anything."

Both Ryan and Bryan played the great American pastime—Little League—as kids. What they may have lacked in athleticism, they made up for in enthusiasm. "They were average athletes," says John Durham, the boys' Little League coach. "But I don't think there was another member of the team that had as much fun out there playing than they did."

In high school, Ryan played in the marching band in addition to his work with Junior ROTC. He played the trumpet and Bryan played the tuba and the trombone. And he liked to go hunting with his dad.

Ryan was also interested in truck-pulling. As a kid, Ryan's dad took him and his brother to truck pulls at local fairs. It was something that naturally appealed to both boys, and when he was old enough, Ryan bought a Chevy S-10 that all three men worked to modify together.

After Ryan's death, Bryan continued his brother's project, driving the truck they had collaborated on to victory in

a truck pull that was dedicated to Ryan in Temple Hill, KY. It was the same competition that Ryan had won in 2004 with the same truck. After winning, Bryan said, "It felt great to follow in Ryan's success like that."

Ryan left behind a loving family who will forever treasure his memory. We thank his father, Raymond Montgomery, his mother, Patricia Montgomery, and his brother, Bryan Montgomery, for sharing their stories of Ryan with us. We are also thinking of Ryan's sister, Ashley Montgomery, and his stepmother, Sharon Montgomery, today.

I want to leave my colleagues with the words of SGT Ryan Montgomery himself. These words were found on his computer in Iraq. He wrote:

This place is a roller coaster ride; you never know what is going [to] happen next. It's scary when you think about it. But I pray every night for every soldier who has given their freedom to free these people.

Ryan continued:

I pray for my family and every blessing God [has] put in my life. [It's] hard to live day to day, not knowing what the next day holds. I just pray and carry on with the mission. I didn't think this place was going [to affect] me like it has. I'm a different person, but for the good.

Words cannot describe the overflowing of gratitude, and pride, and honor one feels after reading this young man's words. Nor can they describe the depths of sorrow we feel at his loss. Sergeant Montgomery's courage was so strong that, even amidst the "roller coaster" of battle, he was able to hold on to his love of God, his family, and his mission to spread freedom.

I ask my colleagues to join me today in saying that America can never repay the debt we owe SGT Ryan Montgomery or the Montgomery family. We are truly blessed to live in a country where so many brave men and women, like Ryan, volunteer to face hardship out of the love of freedom, and love for the rest of us.

I yield the floor.

#### SECURING AMERICA'S BORDERS ACT AMENDMENT

Mr. CORNYN. Mr. President, I return to the floor to speak about the pending amendment to the border security and immigration bill that was voted out of the Senate Judiciary Committee, on which I am proud to serve. I want to explain to my colleagues and anyone else who may be listening why I oppose this amendment. I believe that, while there are many good things in the bill, or amendment, one of the bad things it contains is that it provides amnesty to those who have violated our immigration laws. As I have said before and I will say again, I cannot accept amnesty as part of any comprehensive solution to our immigration crisis. But more important, it is not a question of whether I can accept this as part of the solution. I don't believe the American people will accept amnesty as part of the solution either.

Unfortunately, at its core the committee product includes an amnesty. Let me explain in some detail because I think there are those who see amnesty in every solution that has been offered. Some say the guest worker program that the President speaks about is an amnesty. I don't necessarily agree with that because it is a temporary worker program, as he has used that term, not an alternative path to citizenship such as the Judiciary Committee bill. But I do think that there are some things that can justifiably be called amnesty; that is, if words have any meaning.

The reason why I conclude that this Judiciary Committee bill provides an amnesty is because it creates a new path to citizenship for approximately 12 million people who have entered our country in violation of our immigration laws. I want to be quick to interject, we understand why it is that people come to America. It is the same reason that everyone wants to come to America, and that is because we are the beacon of hope and freedom and opportunity for the planet. We understand that and we harbor no ill will or grudge against people who simply want to provide for their family. We understand that. But as a sovereign nation, sovereignty implies control of our borders, and we do not have control of our borders today. It also implies that we will do first what is good for America and American interests, and then if we can, and certainly we do, we could go help our neighbor. But we simply can't throw our hands up in the air and say we give up when it comes to controlling our borders and enforcing our laws.

First of all, that would violate the sacred oath that we have taken as Senators, as Members of Congress, to defend and uphold the laws of the United States, including the Constitution. So what we are talking about is not a matter of wanting to be unnecessarily harsh or punitive toward those who have come here for what are all understandable and human reasons. But I do not believe the American people will accept a proposal which includes amnesty because they understand that American citizenship is a very special privilege, and they reject the notion that we have no choice but to give it out because the Federal Government has simply failed to enforce the law.

I strongly believe that we need comprehensive immigration reform, including border security. I think we need to provide a path to the 10 million people who have come here in violation of our immigration laws, who already live in the United States. But I have a fundamental disagreement with the approach contained in this amendment.

I believe we must start with the rule that people who have come to this country in violation of our immigration laws should be required to go through the same process as all other legal immigrants.

Let me say that again.

I believe we must start with an approach that people who have come to this country in violation of our immigration laws should be required to go through the same process as all other legal immigrants.

But this committee product does exactly the opposite. It is a solution of sorts based on weakness and the self-fulfilling prophecy that we cannot enforce our own laws. The message this amendment sends to the American people is that because we can't enforce our immigration laws, the only way to address the 12 million people who have come here in violation of our immigration laws is to reward them with a special pass, a permanent resident status, and citizenship.

Some say this legislation—the committee bill—is the only way to realistically deal with people who have come to our country in violation of our laws. But I reject this point of view—this defeatism. In fact, when I hear someone say that only amnesty will work, what I really want to ask them is: Why do we have immigration laws at all?

There are those, as I have said earlier, who see amnesty behind every bush and call every proposed solution to the problem amnesty. I am not addressing those people with my remarks today because I don't think they will ever be convinced otherwise.

But I do think there are ways to determine whether a proposal is amnesty, and I suggest to you the best way is to look at what this country did in 1986 and to compare the proposal in this Judiciary Committee bill with that 1986 law because that 1986 law is unarguable, undisputed. No one argues that law did not create amnesty. And if there are two things we can agree on, it is not only did it create an amnesty, but it was a complete and abject failure.

Amnesty didn't work in 1986 and it won't work today. That is because amnesty encourages disrespect for our laws, and it shows disrespect for those who have earned or are trying to patiently earn U.S. citizenship lawfully.

As I have said in this divisive debate, surely we can all agree that the 1986 law was amnesty and that it was a complete failure. Some argue that the committee amendment is not because it is different from the 1986 amnesty. But I don't agree the two proposals are that different. What I would like to do is show this chart to those who are listening and watching. In 1986, these are the elements of the 1986 bill that was signed by President Ronald Reagan. It creates a two-step amnesty process.

First, illegal aliens obtain temporary resident status. At the end of that period—just under 4 years—they could apply for a green card. That is for a legal permanent resident. But before they could get that green card, the 1986 bill required applicants for the green card to pay a fee and learn basic citizenship and English skills.

If this sounds vaguely familiar, it is because it is exactly the same model

carried forth in the legislation voted out of the Judiciary Committee, which is the basic bill that we are working on as part of this debate.

As you can see from this chart, both bills—both the Judiciary Committee product that we are now debating and the 1986 amnesty—are strikingly similar. And in some respects—this is really curious—the 1986 amnesty was tougher than the one currently before the Senate.

For example, the 1986 amnesty, like the current proposal, required that the person applying for legal status had to be in our country before a specified date. That date was you would have to have entered before January 1, 1982. That is 5 years prior to enactment. And the proposal on the floor says that you have to have come into the country before January 7, 2004.

This is an important concept when considering amnesty because there are always reports of rushing to the border by those working along the border as aliens seeking to make their way here to take advantage of the amnesty.

I ask unanimous consent to have printed in the RECORD an article in the Washington Times entitled "Illegals Acted on Rumors of Amnesty."

Part of this article says:

Nearly 35 percent of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed a still-pending guest-worker program say they were trying to take advantage of what they saw as an amnesty.

I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, in 1968 Congress recognized it was important to grant amnesty only to those aliens who had been here more than 5 years. In contrast, the pending legislation puts the date of eligibility to January 2, 2004, a little over 2 years ago.

This chart also addresses other eligibility requirements. As Senator KYL and I discussed yesterday, the 1986 amnesty required that applicants be admissible under immigration laws and that they not have been convicted of a felony or more than three misdemeanors, compared to the current proposal that simply requires that the applicant be admissible under immigration law; that is, they might still come to the country and be eligible for amnesty even if they are a felon or even if they have committed more than three misdemeanors because of certain de minimis provisions of the immigration law.

Hopefully, our amendment will cure that omission, which will now ensure that felons and those who have been convicted of at least three misdemeanors cannot take advantage of the amnesty.

My hope is that we will at least make this bill as tough and set standards as high as they did in 1986, which cer-

tainly is not the case for the current proposal pending on the Senate floor.

Continuing under this chart, in 1986, the law created a new temporary resident status that lasted for 43 months. The current amendment creates a new conditional nonimmigrant status valid for 72 months. That is step 1, a temporary status.

Much has been made under the committee proposal about the hurdles that those who are currently in violation of our immigration laws but are nevertheless here in the United States will have to achieve in order to obtain a green card which then, of course, is a pass to citizenship. It is described by critics as a difficult process because illegal aliens will have to learn citizenship skills, pay a fee, pay back taxes, and continue working here in the United States.

But as the chart shows, the 1986 amnesty also required applicants to learn basic citizenship skills, including understanding ordinary English and history of the Government of the United States and to pay a fee.

But the most important point beyond the similarity of the amnesty in 1986, which everyone agrees was amnesty, the most important point is that we all can see that the amnesty in 1986 did not work and was a complete and total failure.

All you have to do is look at the fact that about 3 million people who have come into the country in violation of our immigration laws benefited from that 1986 amnesty.

Here we are 20 years later and we are not talking about 3 million people, we are talking about 12 million people, and maybe more.

That is part of the reason some people regard amnesty as a magnet that will attract further illegal immigration across our border and only to have us agree to another amnesty and then meet the next wave of people coming across our border who have perhaps a future amnesty.

Some people are very upset with the Federal Government and its failure to enforce our laws and to secure our borders. But the American people are a very forgiving people. I think if they believed that Congress is actually trying to solve this problem, as I believe we are, they will perhaps forgive us for not having secured our border before, made sure we had enforceable worksite verification and employer sanctions for those who hired people in violation of our immigration laws.

But there is one thing the American people won't forgive; that is, if we try to trick them again by trying to sell them an amnesty in 2006 when they know good and well that the amnesty in 1986 was a complete and total failure.

I am earnestly interested in finding a solution to this problem. I believe the better starting point for solving this complex problem is with fairness. That means treating the people who have entered our country in violation of our

laws no better than those who patiently wait outside of our country for their chance at the American dream through legal channels.

This can be done by allowing those who have come here illegally a second chance to depart and then reenter the country legally. This is the model that was contained in legislation that Senator JOHN KYL and I introduced well over a year ago. We did so after holding about half dozen hearings on the broken immigration system and ways to fix it. Both of us, like all of our colleagues, but particularly Senators from border States, are earnestly interested in trying to find a way to fix it. But I recognize—and I believe Senator KYL does as well—that there needs to be flexibility built into any proposal.

We recognize there will probably have to be humanitarian exceptions for the elderly or third country processing for those who have no country to return to. Senator KYL and I are working on proposals to make these concepts work as part of a comprehensive bill. But then for the 12 million illegal aliens in this country, I am confident for their personal situations we would all agree that some special consideration is warranted. No one can test that.

But when creating a Federal policy that will impact tens of millions of people in the years to come, there has to be agreement and consensus on a general rule. That is why I disagree with the Judiciary Committee product. The general rule under their proposal is that illegal aliens will be rewarded with a special pass to citizenship and that person will be allowed to break in line ahead of those who have attempted to come to this country legally and are patiently waiting outside the country for their chance.

As you can tell, it is no secret that I oppose the committee product. I oppose it because I think it is bad policy and will reward illegal behavior. I believe it is a proposal built on an assumption that our immigration laws cannot be enforced. That is something I will never agree with because that is simply to give up and to admit defeat.

But, most importantly, I oppose it because I believe it repeats a mistake that our country made 20 years ago which, if repeated, will never be excused or forgiven by the American people.

I yield the floor.

#### EXHIBIT 1

[From the Washington Times, Aug. 2, 2004]

#### ILLEGALS ACTED ON RUMORS OF AMNESTY

(By Jerry Seper)

Nearly 35 percent of the illegal aliens captured trying to enter the United States in the 19 days after President Bush proposed a still-pending guest-worker program say they were trying to take advantage of what many saw as amnesty.

According to a confidential Border Patrol report to a Senate committee, 1,000 of 2,881 foreign nationals interviewed by agents after their capture at the U.S.-Mexico border between Jan. 7 and Jan. 26 acknowledged that rumors of an amnesty program—outlined in

Mexican press reports and passed on by relatives—had influenced their decision to try to enter the United States illegally.

Mr. Bush's proposed immigration initiative, formally announced Jan. 7, would allow millions of illegal aliens in the United States to remain in the country as guest workers for renewable three-year periods if they have jobs. The aliens eventually could apply for permanent legal residence.

About 8 million to 12 million illegal aliens, mostly Mexican nationals, are estimated to be in the United States.

Beginning just days after the Bush announcement, the number of illegal aliens caught crossing into this country from Mexico increased dramatically, immigration-enforcement officials said, although the White House painstakingly has denied that the president's guestworker proposal offered amnesty—saying, instead, it would give illegal aliens holding jobs in the United States temporary work permits, but they eventually would have to go home.

Outlined as a set of principles and not as specific legislation, the Bush proposal did not prescribe any penalties for those caught entering the country illegally and would allow those here to remain in the United States for an as-yet undetermined number of renewable three-year periods.

The Border Patrol report said 66,472 illegal aliens were apprehended along the U.S.-Mexico border during that 19-day period, about 3,500 a day. The January 2004 total is more than 11 percent higher than the number of apprehensions reported in January 2003, according to patrol records.

The report said questionnaires were given to field intelligence agents to interview apprehended aliens on a random basis to determine their "perception of the proposed temporary guestworker program." The questionnaire used the word "amnesty" because of the widespread reporting in the Mexican press referring to the proposed program as an offer of amnesty, the report said.

The questionnaire was canceled Jan. 26 after its public disclosure. The report said Border Patrol officials determined that the questionnaire's integrity had been compromised by the press coverage.

The Border Patrol has denied that the questionnaire was politically motivated or intended to imply that Mr. Bush was calling for a general amnesty, saying, instead, that the agency routinely develops questionnaires to request information from field offices on a variety of issues.

"This practice is critical to providing the Border Patrol with a comprehensive understanding of the border environment," the report said. "The collection of this type of information is an essential tool that enables decision-makers to develop plans and operations specifically designed to counter threats or issues that the questionnaire identifies or confirms."

The National Border Patrol Council, which represents the agency's 10,000 nonsupervisory agents, said apprehension totals increased threefold in the San Diego area alone, adding that the majority of aliens detained along the border in January told arresting agents that they had come to the United States seeking amnesty.

Most of those arrested and eventually deported had no history of immigration violations, the council said.

The council has told its members to challenge the guest-worker proposal, calling it a "slap in the face to anyone who has ever tried to enforce the immigration laws of the United States."

Congress approved an amnesty program in 1986 that gave legal status to 2.7 million illegal aliens.

A CBS News/New York Times poll in January 2004 said no issue upset the public more

than Mr. Bush's amnesty/guest-worker proposal, with only one-third of Americans supporting him. And a CNN/Gallup/USA Today poll that same month said 74 percent of respondents thought the United States should not make it easier for illegal aliens to become U.S. citizens.

Sen. Charles E. Grassley, Iowa Republican and a senior member of the Senate Judiciary Committee, had asked Homeland Security Secretary Tom Ridge to explain whether "rumors of amnesty" concerning the Bush proposal had played any role in attempts by illegal aliens to cross the border.

Mr. Grassley told Mr. Ridge in a letter that he was concerned that illegal aliens were risking their lives and putting their futures in the hands of corrupt alien smugglers in an attempt to gain entry to the United States.

#### SECURING AMERICA'S BORDERS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

The legislative clerk read as follows:

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

#### Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206) to establish an enactment date.

Bingaman amendment No. 3210 (to amendment No. 3192), to provide financial aid to local law enforcement officials along the Nation's borders.

Alexander amendment No. 3193 (to amendment No. 3192), to prescribe the binding oath or affirmation of renunciation and allegiance required to the naturalized as a citizen of the United States, to encourage and support the efforts of prospective citizens of the United States to become citizens.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my sincerest appreciation for the leadership of Senator JOHN CORNYN as we have attempted in the Judiciary Committee—of which we are both members—to try and help produce a bill that will actually work, that will allow legal immigration to be formal, effective, and allow more people to come into our country legally while ending the disarray which now exists. He is so knowledgeable as a former justice on the Supreme Court of Texas and former attorney general of Texas. He understands it so well, being a Member from a State that deals with this in such a consistent and continuous way. I thank the Senator for his excellent work.

One of the aspects that is most troubling to me about the process—as it has gone along, I have become even more concerned about it—is that it indicates a lack of serious thought about what we are going to do as a nation to deal with those who are here illegally now. We know there are a lot of good

people here. What are we going to do in the future?

Let me report how things went in the Judiciary Committee. We had the Alito hearings, we had the Roberts hearings, we had the PATRIOT Act debate, and we had the asbestos debate. We have been as busy as any committee has ever been on a host of important issues facing our country all year. It seems as if that is about all I do, and I am on the Armed Services Committee at a time when we are a nation at war. We have a lot of things going on, and we have worked very hard.

At the beginning of the process, I expressed concern asked that we not rush the committee into something before it was ready. The majority leader set this time for this bill to come to the floor, and he said he expected us to complete a bill if we wanted a Judiciary Committee bill to be the vehicle on the floor. So the committee tried to do it. But there was not enough time. We did not give enough thought to it, in my view. We met for 6 days in the Judiciary Committee attempting to mark up Chairman SPECTER's immigration legislation, a mark that he put out which is considerably better, in my view, than what is currently on the floor. His was not acceptable in some ways, but it is better than the one we produced. He put his mark out for debate in Committee.

We began to discuss it. We met on March 2, March 8, March 9, March 15, and 27. Six days may sound like a lot in the committee process, but this bill is 400 pages involving tremendous national issues which many people feel strongly about and which deserve real discussion.

During the first day, we basically just talked about the bill. No amendments were offered during the markup. During the next 3 days, we talked about the enforcement provisions of the bill and simply accepted by unanimous consent noncontroversial amendments to the first two titles of the bill, two of the seven titles. We accepted some amendments.

Then we get to day four. We did not have a single vote on any amendment during those first four days of hearings. On the fifth day, we once again in committee talked about how best to proceed. No amendments were offered, and none were voted on.

During the 5 days, we did not vote on a single amendment. All the controversial issues got pushed off to Monday. We are not normally here on Monday, but we showed up on Monday because the leader said we had to have a bill out Monday night or he would bring up his own bill.

During the morning session on Monday, we spent 3½ hours talking about amendments on the enforcement provisions of the bill. We spent a good bit of time on the enforcement provisions and made some progress. I got optimistic to the point that I have said if we did just a few more things, we could create an enforcement system that

would work. So we spent a little time on enforcement. But we are still now talking about title II of the seven titles in the bill.

After lunch on Monday of this week, we met for another 3½ hours and ran through the remaining five titles, five sections of the bill, with little discussion and less understanding of what the amendments were and what they amounted to. We voted on several amendments without even having language to review. In only 3½ hours on Monday, we voted on four amnesty provisions and increased the chairman's mark by over 100 pages.

Let me make this clear. We spent 5 days talking about the enforcement issues with little controversy there. In contrast, we spent 3½ hours passing out the massive amnesty provisions in the bill that is now in the Senate that will attempt to legalize and put on an automatic path, virtually, to citizenship.

We also passed legislation that increases the legal immigration in our country by at least double—probably more than that—to 400,000 per year, with little discussion of who and how that should be done. It just was offered and passed.

I believe this Senate needs to slow down and think about where we are. It is very important.

Members of this Senate have expressed deep concern that the border has become a major gateway for terrorists to have access to the United States. Senator FEINSTEIN expressed that. Clearly, she is from California. We are pleased to have three Senators—Senator FEINSTEIN from California, Senator KYL from Arizona, and Senator CORNYN from Texas—who live on the border and know about it and understand it in many ways, far better than the rest of us. I share her concern and believe it can only be remedied by focusing on fixing our immigration system as a whole. It is something we can do. This is within our grasp at this point, but we are not there yet.

Securing our borders and being able to keep track of the people who come in and out of our country is essential to our security. We know that countries without secure immigration policies are a natural fit for bad actors who seek to live anonymously within their borders. A country that does not protect its borders and does not know the identity of those who come in and out of the country is laying out the welcome mat for criminals and even terrorists.

I have visited a number of times with troops and other government officials in Afghanistan. I have had the honor to meet with General Jones, our commander in Europe, General Abizaid, our commander in Central Command, and they have expressed exceedingly great concern to me about unregulated border areas. They have emphasized that there are a number of places around the globe, border areas of countries that are not very effective countries, in

which criminals can gather and nobody does anything about it. It gets worse and worse, and terrorists nest there. The most dramatic example of that, of course, is this very long and very large border between Afghanistan and Pakistan, where many think Osama bin Laden hides out today. Some ask why isn't it possible for us to find him? It is a very large area. It is basically an area that has not been controlled effectively by the Governments of Pakistan or Afghanistan, and as a result, it is far more difficult.

I just came from there last week and had a briefing on this specific area. If anyone heard the briefing I had, there would be a far greater understanding of how difficult it is to control these areas.

A great nation like the United States has to do better. We cannot allow that tendency to occur in our country. I believe we can say with some integrity and honesty that tends to be what is happening here on our border.

Last night, I had an exchange with Senator KYL in the Senate, and he talked about the increasing number of people who are involved in crime on the Arizona-Mexico border. Many are not from Mexico. Many are from further south, from other countries, who come into Mexico, but it is an area in which they operate, move drugs, extort, carry people, and it is not a healthy situation at all. It is something a great nation, if we care about the people who want to live here and come into our country legally, should be very concerned about.

The United States felt the sharp consequences of open borders and lax enforcement when our ineffective immigration policies enabled 19 terrorists to obtain visas into the United States on September 11. September 11 was not the only act of terrorism on U.S. soil, though, that has resulted from poor immigration policies.

Let's talk about the Brooklyn subway plot. People may have forgotten that. Gazi Ibrahim Abu Mezer was caught by the Border Patrol agents three times while trying to illegally cross the Canadian border. After a third apprehension, Canada would not take him back. Because the United States suffers from a severe lack of detention space for illegal aliens like Mezer, what happened to him? Canada would not take him back. He was released into the country on bail with a promise that he would show up for a hearing at which he would be deported. So he wants to come to this country, he is apprehended for the third time, Canada will not let him come back, and they release him on a promise that he will show up for a hearing on whether he should be deported. It sounds like, based on those facts, he probably was confident he would be. While waiting for his hearing, Mezer busied himself by plotting to bomb the Brooklyn subway.

Mohammad Salameh, one of the World Trade Center bombing conspirators in the first World Trade



Center bombing attempt in 1993—more than an attempt; an explosion that did not bring down the building applied for a tourist visa to the United States. Although Mohammad Salameh overcame the presumption that he was required to overcome as a single male, young, and received a visa, he overstayed the visa and remained illegally in the United States. We passed amnesty. He applied then to be a permanent resident. It was rejected. Somebody caught it somehow and saw something there. What did he do? He applies for amnesty under the 1986 act, and they reject it. So what does that mean? Was he sent home? No, he just simply remained in the United States. Nobody bothered to come and look for him. He continued living and working here because there was no enforcement mechanism in place allowing authorities to detain and remove rejected green card applicants.

Mahmud Abouhalima, a leader of the 1993 trade bombing, was legalized as a part of the 1986 amnesty, also. It was only after he was legalized that he was able to travel outside the United States. The trips he took after being granted amnesty included several to Afghanistan and Pakistan, where he received the training he used in the bombing.

Most people who seek to stay in our country are good and decent people. They are not terrorists. We know that. But we have an increasing number of criminals from around the world seeking to enter this country, and we have the terrorist problem.

Abounalima took advantage of the amnesty. He got approved. Proper background checks apparently were not conducted, and he then, as a permanent legal resident, green card holder, was free to travel back and forth around the world and go to Afghanistan and Pakistan. That is where he got his training for the 1993 bombing.

The mastermind of the 1993 bombing was Ramzi Yousef. He did not waste time applying for a visa to come to the United States. Upon his arrival at JFK Airport, he simply applied for asylum, saying he was persecuted. There was a lack of detention space while they were trying to determine his status. They said to this man who illegally appeared at John F. Kennedy Airport—You are here illegally; we will arrest you. And he says: I claim asylum; I am here because I have been run out of my country. So he is entitled, now, to a trial or a hearing on that. But they cannot do it that day, and they do not have any place to put him, so they release him. They parole him into the country until a hearing can be held on his asylum claim. Yousef then used that time inside the United States to plan the 1993 bombing of the World Trade Tower.

Not only have our amnesty, visa issuance, and asylum policies brought terrorists into the United States, our programs have also served as a conduit for criminals and terrorists.

Hesham Mohamed Hadayet, murdered two people at the El Al counter

at Los Angeles International Airport in July 2002. Less than a year after 9/11, Hadayet conducted that attack at the airport which resulted in the murder of two people.

He received legal status through the diversity lottery visa in this fashion: In 2002, Hadayet was a visa overstayer. He got a visa, came here, but he stayed illegally beyond the time he was supposed to stay. In his asylum claim, when they confronted him about it, he claimed that he was entitled to asylum, too. That is a good thing to say because that stops the works. So he claimed asylum. But a hearing was held, and the determination was that he was not entitled to asylum. It was rejected.

But with no mechanism, no will and no capacity to tell the truth, to remove him, he just stayed in the United States with his wife. Then Hadayet's wife won the diversity visa lottery. She got a green card and she was able to get one for her husband. So both of them were legalized. That is how he got into the country—not a way it should have happened. Once his asylum had been rejected, he should have been removed.

Now, we have been reading in the paper about Zacarias Moussaoui, who just confessed, apparently, to his intent to participate in the September 11 bombings in plane attacks in our country. He entered the country under the visa waiver program, and he just confessed that he was to fly a plane into the White House.

I would like to share a few more things about the ineffectiveness of our system. Most of the people who come here are not criminals. Most of the people who come here have legitimate reasons. They ought to wait until we are able to check their records and verify they are an appropriate person to come in our country. That is how the system is supposed to work. But the truth is, we are seeing a larger number of criminals coming in than we ever have before.

Criminals from other countries, and those who would commit crimes, also use the immigration system against us.

On December of 2005, Secretary Chertoff, the Secretary of the Department of Homeland Security, testified that the Border Patrol encountered 1.1 million illegal aliens attempting to cross the southwest border between the legitimate ports of entry illegally.

Just a few weeks ago, a Department of Homeland Security employee told us that approximately 12 percent—12 percent—of the people apprehended already had criminal records. That is 139,000 people. So for those they apprehended, they did a background check on them, and they found that 12 percent of those had a criminal record already, totaling 139,000 people.

In 2004, the Department of Homeland Security deported over 88,000 criminal aliens. Those removals accounted for over 40 percent of the people who were removed. Now, these are not simple im-

migration violations. They are serious offenses: fraud, drugs, extortion, or violence.

If we catch one criminal entering the country, each year, for every criminal entering the country we do not catch—and some say that is about correct—it is highly likely the United States received a net gain, in 2004, of 51,000 criminals, none of whom should have been allowed in the country if an appropriate system were operating.

A great nation does not have to accept everybody who wants to come. No nation does—not everybody. So we set standards. One of the standards is, people are not allowed in the country who have criminal records or charges are pending against them.

Now, the numbers of criminal aliens in the country is startling, I have to tell you. I wish it were not so, but I am just telling you what the numbers are. Criminal aliens now constitute a large percent of all the Federal prisoners in Federal prisons today. How many? What percent would you suspect? I will have to tell you, it is an astounding 27 percent. Twenty-seven percent of the Federal prisoners today are illegal aliens, criminal aliens.

In 2003, that means 44,000 criminal aliens were serving sentences in Federal jails. This is just the Federal jails, which probably represent 10 percent of all the prisoners in the United States. I believe those percentages could be even higher in State and local prisons. And I understand in some States it may be even higher, like in California and others.

An April of 2005 a GAO, Government Accountability Office, report found that the number of criminal aliens incarcerated in the United States increased 15 percent from 2001 to 2004. That is a steady and substantial increase.

According to the Bureau of Prisons, the cost of incarcerating criminal aliens totaled approximately \$1.2 billion in 2004.

Now, again, I am not saying that we need to reject people and stop immigration and never allow anybody into our country because we are having an increasing number of people who attempt to come here who are criminals. What I am saying is, we need to make our system work so we can identify those people who have criminal histories and not allow them in and allow the good and decent people in. Isn't that what it is all about? It is a very important point.

Criminal aliens are also having a severely negative impact at the State and local level. Recently, an ICE agent—those are the immigration enforcement officers—in Alabama contacted me to tell me there is an enormous, growing problem with aliens trafficking drugs across north Alabama. Who would think that? He informed me that all of the green card holders he arrests for criminal convictions for trafficking dope were once illegal aliens but have been granted amnesty somewhere along the way.

To quote him directly, he said—this is what he told me:

[It is] because they had no respect for the law when they jumped the river, worked illegally, and used fake documents with false names.

That is what he said. Who can say there is no truth to that? I think there is some truth to that. Simply giving an illegal alien a green card does not suddenly make that person a law-abiding citizen. We need to make sure we have ascertained, when a person applies to come into our country by visa, or to obtain a green card, that they are law-abiding citizens who are going to contribute positively to our country.

I like to tell my friends in Texas the whole story about Alabama. Perhaps Georgia has a spin on it. It probably has a little spin on it, I say to the Presiding Officer. But the story was: If somebody got in trouble with the law in Alabama, and you went to their house, they would have "GTT" on the door. What did that stand for? "Gone To Texas." In the old days, they did not have many prisons, and basically if you got out of town, that was fine.

I am wondering, sometimes, if people who are getting in trouble in their home countries are not finding it easier than being arrested and put in jail in their own country to just leave town. And if they leave town, maybe the local police and constabularies are happy to have them go and do not mind what happens to them. I am afraid some of that may be occurring here. I suspect in the early days, Georgia sent their people to Alabama, Mr. President. I don't know. Of course, your State was founded—I will not get into that story.

The next story from Alabama ICE agents was surprising to me. In December of last year, in the past few months, they arrested, in the north Alabama area, a leader of the MS-13 street gang—that is basically an El Salvadorian violent street gang—for possessing a stolen firearm. ICE had to release the gang member from custody a couple months later because the judge determined that he derived U.S. citizenship from his father who received amnesty in the 1990s and was naturalized when the gang member was 17. Normally, as a noncitizen, being charged with this offense, he would be deported.

A few weeks ago, just 30 days after being released from custody, the gang leader was again arrested, this time for firing eight rounds out of a car at a rival gang member in the town of Pelham, AL. Because he received citizenship through amnesty, Alabama will not see him deported.

The guy the gang leader shot at is the area leader of the Brown Pride 13 street gang, which is another street gang. ICE tells me this gang leader is also a once-illegal alien who received amnesty and a green card.

Now, we want to give amnesty to the people who deserve it. But we need to create a system that when we do that

we have examined them to make sure they are the kind of people who would make good citizens. That is what we tell the American people we are going to do. That is what we tell them we are going to do. We tell them this bill sets up a lawful system for people to apply to immigrate to our country and that before they are allowed to immigrate and become a citizen, get a permanent status to stay here permanently, that we have checked them out. I am saying to you, too often we fail to do that. It is a hollow promise. ICE, in dealing with this gang leader, must wait for him to be convicted of a crime for him to be arrested.

Unlike any of us, these Federal agents are in the trenches every day working hard to enforce the law, of which most of us only hear about on the news. As this ICE agent told me, he gets aggravated that people do not realize that yet another amnesty or allowance for adjustment of status will only ensure that the Government rubberstamps more criminals into our country and allows them to receive green cards. He is worried about that.

I think if we took care and did it right, that might not be the case. I believe we can do it. But we have to be fully aware and take intentional steps or his prediction will be correct. And based on what he has seen in his experience, I have no doubt that he is somewhat cynical about the willingness of our Congress to take the necessary steps to make sure it does not happen.

Around the country we are seeing an increase in the number of illegal criminal aliens who are being apprehended, some with access to critical infrastructure and information pertaining to national security interests.

Jerry Seper of the Washington Post has written about these issues for some time. I have noted with some interest his accounts that demonstrate the gaping holes in our immigration enforcement and security policies. Let's share some examples of what he reported.

In May of 2004, John Torres, Deputy Director for Smuggling and Public Safety, of ICE, the Immigration Service, testified before the House Judiciary Committee that criminal organizations worldwide make over \$9.5 billion a year smuggling foreign nationals. This is his testimony before the House Judiciary Committee, the Government official at ICE, that these criminal organizations make over \$9.5 billion a year smuggling foreign nationals, illicit drugs, and weapons into the United States.

This smuggling includes as many as 17,500 people forced to work as prostitutes. We have heard about the sex slave prostitution problem. He says it includes as many as 17,500 sweatshop laborers and domestic servants. Mr. Torres testified that these well-established smuggling and trafficking pipelines serve as conduits for illegal immigrants and criminals seeking entry into the country. Many of these people are easily exploited by terrorists and

extremist organizations. It is these people who will be granted amnesty under many of the proposals currently pending on the floor. This is a prime example of why we must focus on enforcement and border protection before anything else.

That is what the House decided to do. People say the House bill is harsh. The House bill is not harsh in the sense that it simply examined our enforcement procedures and found them totally lacking. They concluded the most honest way to deal with the problem was to confront border laxity and our enforcement mechanisms and get that under control. Once we have done that, then we could go to the American people with a plan to determine how many people will come in in the future, how many people are here, and how to handle those people who are here, many of them as fine and decent a people as anybody would ever want to know, working hard every day, contributing to our country. We do owe them fair and humane treatment. I will not support any bill that does not give them that. But the House said, as a first step, let's do that.

We spent most of our time in the Judiciary Committee marking up the enforcement protections in the bill. But at the last day, this Monday, we dumped in about 100 pages or more of this issue, the more serious and complex issue of the people who are here, how to handle them, and who to allow in in the future. That is why we are a bit rushed. As a matter of fact, that bill was not even printed and received by the committee members. We did not know what the language was until it was finally printed Wednesday night at 8. Now they want us to pass this legislation dealing with the historic challenges in immigration going beyond improving enforcement to the entire philosophy and policy of our Nation for many years to come. We are not ready to do that. Certainly if we are, this bill is not the vehicle to do so.

Last year in an isolated incident in Virginia, ICE agents arrested nine criminal aliens, six of whom had been previously convicted on aggravated felony charges, including child molestation, drug possession, and sexual assault. These aliens should have been deported on conviction. That is what the law says. These aliens were identified during an investigation that found they had attempted to obtain immigration benefits through the CIS, the immigration services agency, including work permits and permanent resident status. These are nine of the estimated 85,000 criminal aliens walking our streets today.

Last March, ICE agents deported 37 criminal aliens rounded up in the Washington area, two of whom had ties to MS-13, the Salvadoran gang which operates within the region. This group of criminal aliens were people convicted of theft, assault, burglary, sexual battery, and malicious wounding. From the Washington area alone in



2004, ICE deported 819 criminal aliens. MS-13 has an estimated 2,000 members in northern Virginia alone. This is not your ordinary street gang. It is a malicious, violent gang involving alien and weapons smuggling, murder, robberies, burglaries, carjacking, extortion, rape, and aggravated assault.

In May of 2005, ICE arrested 60 illegal aliens working as contract employees at a dozen critical U.S. infrastructure sites nationwide, including seven petrochemical refineries, very much potential targets, three powerplants, a national air cargo facility, and a pipeline company. What these things demonstrate, when I talk about Alabama or northern Virginia, is that the system currently is not working. We can make it work. It is not that hard. We are pretty close to getting there. We have jumped 8 feet, but the ravine we need to jump across is 10 feet wide. Let's go the extra 2 feet. Let's get out there and create a legitimate enforcement mechanism that will guarantee that we are as open and friendly as we have always been to those who want to come to this country but with a system that does not allow criminals to take advantage of us, does not allow terrorists to take advantage of us. In fact, this bill fails to prohibit the entry into our country of criminals in an effective way. That is why Senator KYL and Senator CORNYN have offered their amendment dealing with this particular issue. It absolutely needs to be a part of it. I was pleased that Senator CORNYN talked about the similarity between the bill we are moving today and the one we passed in 1986, which everybody agreed was amnesty. Black's Law Dictionary even defines amnesty by referring to the 1986 bill in their definition. Everybody admitted in 1986, it was amnesty. People have said we are not for amnesty. We have campaigned on it. Virtually every Senator, every leader, even the President has said we are not for amnesty. But anything you try to do, they say: That is not amnesty.

Is it not an automatic path to a green card and citizenship? Why isn't it automatic? Well, they have to pay \$1,000. They have to pay their income taxes. Don't you have to pay your income taxes? What is this? You have to have a job. What do they come here for? To have a job. And then only the most part-time job with the most minimal proof would establish the work requirement. Basically it guarantees anybody here a path to citizenship as long as they don't get convicted of a felony. If you get convicted of a felony before you are deported today, the chances are very good you can maneuver your way out on bail and never be deported.

A good system would take a person directly from the incarceration facility and move them directly out of the country. That is what we say we are going to do, but we don't.

I have many more examples of situations in which we have not managed

our immigration system well. As a result, illegal aliens have been caught working in nuclear plants and military bases in highly secret and sensitive areas of our country. We can do better than that. We absolutely can and we must do better than that.

I join with my colleagues Senators KYL and CORNYN in saying: We definitely need to fix this omission in the bill that came out of committee that fails to properly deal with those who would come into the country illegally who have a criminal record and who could be put on a path to amnesty if we don't work it correctly.

I urge my colleagues, let's keep an open mind on the legislation. Let's remember that our Nation has some of the finest people you could ever want living and working here, but we need to deal with them fairly and humanely. We don't need to build a barrier around our country if it does not allow people to come here lawfully. We are a nation of immigrants and we always will and should welcome immigrants into the country, but we need to gain control of our borders. That includes physical barriers, virtual fences, improved enforcement, additional detention space, technology, and also workplace areas. If we eliminate the magnet of the workplace, if we take firm, effective steps on the border, we can reach that tipping point where people move from coming illegally into our country and we don't know then whether they are criminals. We move those people from the illegal path to entry into our country to a legal path. Isn't that what we want? Isn't that what we promised the American people time and again, when we have been asked about it in our States and on interview programs? We have all said that.

The legislation before us won't get us there. If we vote for that and tell our people that it will do the job, I do not believe we will be correct. Let's fix it. Let's improve it. Then we can make it work.

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

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside in order for me to call up amendment No. 3215; provided further that at 4 p.m. on Monday, the pending amendments be temporarily set aside and Senator MIKULSKI be recognized in order to offer a first-degree amendment which is at the desk.

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

AMENDMENT NO. 3215

Mr. ISAKSON. Mr. President, I call up amendment No. 3215 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 3215.

The amendment is as follows:

(Purpose: To demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ BORDER SECURITY CERTIFICATION.**

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Mr. ISAKSON. Mr. President, yesterday I took the floor to speak at length about the legislation before us and to talk particularly about the history of amnesty in the past dealing with immigration. I talked about the dangerous step we would take if we created another opportunity to attract even more to come here without first having secured our borders. The amendment I have asked to be placed before the Senate today accepts a very simple premise, and that is that we have failed as a country to secure our borders. We continue to have those coming here illegally to work because it is easier than coming here legally. And until we stop that and shut that down, any program granting status to an illegal person in this country should never be implemented.

In the insurance industry, swimming pools are entitled an attractive nuisance. In the business of immigration, American policy is an attractive nuisance. We are attracting people to come here the wrong way. We are not penalizing them for coming here the wrong way. And we are now allowing people to come here the right way, a seamless system that seems to work. So this amendment is merely a trigger. It says that notwithstanding what programs we adopt in the Senate before final passage, no program granting status to someone who is here illegally or may come here illegally in the future will take effect until the Secretary of Homeland Security has certified to the President of the United States and to the Congress that our borders are reasonably secure.

I am not going to take a lot of time, but I want to repeat something I said yesterday: A month ago I took to the

border myself along with Senator COLEMAN.

We went to Tijuana and San Diego, Fort Huachuca in Arizona. We saw firsthand the mechanisms that are available and being used today that will secure our border. We also saw firsthand the huge holes because we have neither funded the intelligence equipment and the eyes in the sky nor put the manpower on the border.

I, for one, will hold myself responsible and will be a reminder to this entire Senate that when we pass an appropriations act this year for Homeland Security and enforcement of immigration and customs, if it doesn't include the unmanned aerial vehicles we need on the border and the agents we need to enforce immigration law, then we are turning our back on a problem that began in 1986 and has continued until this day, and that is the benign neglect of us to fund the necessary equipment, manpower, and material to make the laws of this country work to allow people to come here in the right way as easily as possible but with accountability, and the people who come here the wrong way, to know there is a consequence to pay.

Human nature is human nature. People will respond when they know what the story is. Right now, they know the story is that it is easier to get here by sneaking in. In this measure, we send a signal that there will be no amnesty, no more free pass nor a continued flow of illegal people coming into this country. Instead, there will be consequences for ignoring the law, and there will be respect and appreciation for a normal, rational immigration process to work, so that America's labor needs are met, but America respects the borders between ourselves, the nation of Canada and the nation of Mexico.

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

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

The assistant legislative 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.

Mr. SESSIONS. Mr. President, I want to express my support for the Senator's view that we need to certify that we have the enforcement system working for the immigration system before we make these other changes that allow people to be given amnesty or be given a right to stay here in some lawful way.

The reason that is important is this: To boil it down in 1 minute before I yield the floor, the reason that is important is that once we pass the policies—the amnesty that is in this bill, or whatever policies we eventually pass—to deal with new immigration for years to come or to deal with those already here, that becomes law then. The problem has been that no President whom I know of—Presidents Carter,

Reagan, Bush, Clinton, or Bush—has ever taken it as a personal interest to ensure that what happens on our borders actually works. So they have not asked for more money, more people or asked sufficiently for technology for it to work. And the Congress, as the Senator said, often doesn't fund it.

So what are we saying? Fundamentally, what happened in 1986, I believe, was that amnesty was granted and the promise to create a legal system in the future never developed. We have a very rightful responsibility to make sure that doesn't happen again. I think that is the intent of the Senator's amendment. I look forward to studying it, and I thank him for offering it.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I ask consent I be allowed to continue for a few minutes as though in morning business.

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

#### ERMA BYRD

Mr. LEAHY. Mr. President, yesterday afternoon my wife Marcelle and I went and said our final farewells to our Erma Byrd, the wife of our distinguished colleague and friend, Senator ROBERT BYRD of West Virginia. Marcelle and I have been privileged to know both Senator and Mrs. Byrd for well over 30 years.

While there, we talked with the distinguished senior citizen from West Virginia and told him how much that relationship meant, but especially how much it meant to us to see a love affair such as theirs, one that continued from the time they were teenagers to the time of Mrs. Byrd's death.

Mrs. Byrd and my wife used to sometimes drive down together for Senate spouse meetings. Every time Marcelle would come back, she would tell me something new and valuable she had learned from Erma and how much that friendship meant.

In recent times, when illness stopped her ability to come here, I would talk with my good friend ROBERT BYRD and ask him how Erma was doing and to tell him that both she and Robert were in our prayers and our thoughts. Many of us will be at the funeral this weekend out of respect for both of them. I will be thinking of the privilege it has been to have known them both and how privileged I am to still have as a dear friend and colleague Senator ROBERT C. BYRD.

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. 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.

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The majority leader is recognized.

(The remarks of Mr. FRIST pertaining to the submission of S. Res. 419 are printed in today's RECORD under "Submitted Resolutions.")

#### LEAVE OF ABSENCE

Mr. REID. Mr. President, on behalf of Senator ROCKEFELLER, and under rule VI, paragraph 2, I ask that he may absent himself from Senate business and any rollcall votes during his recuperation from recent back surgery.

#### SECRETARY OF INTERIOR GALE NORTON

Mr. ALLARD. Mr. President, I rise today to recognize the work of a good friend of mine and a distinguished public servant, Secretary of Interior Gale Norton. Today is her final day as Secretary of Interior. I am certain that her presence in that position will be missed.

Secretary Norton hails from my home State of Colorado where she built a reputation as a hardworking conservationist and public servant. In Colorado she served as the State's attorney general where she represented the State before the Supreme Court on several occasions. But arguing cases before the Supreme Court wasn't challenging enough for Gale, so when asked by President Bush to be the first female to head the Department of Interior she wholeheartedly agreed.

Throughout her time at Interior she employed a commonsense approach and an understanding of Western issues which has proven to be an asset to the agency and the Nation. It is vital to have someone who appreciates Western issues as Secretary of Interior. This understanding is so crucial because, on average, 52 percent of the land mass in the 13 Western States is federally owned, while the average for the rest of the Nation is 4 percent.

Secretary Norton has guided Interior through one of the most challenging periods in the Department's history with an enthusiasm, confidence, and expertise that will be difficult to match.

She saw the Department through some of the most devastating fire seasons in recent history, and in response

to this was charged with implementing one of the most important natural resource laws ever enacted, the Healthy Forest Restoration Act. The benefits of this legislation and her actions are already being seen on the ground on public land throughout the Nation.

Secretary Norton also recognized the importance of domestic energy production before many others; her legacy will help decrease our dependence on foreign energy sources. This understanding of energy needs was priceless as she worked with Congress on the most comprehensive energy reform legislation in decades.

She also worked tirelessly to improve the efficiency of DOI, reducing duplicative measures and cutting bureaucracy while improving citizen satisfaction with the Department.

She excelled at pushing issues on a national level, but was also instrumental in several projects which are closer to my heart as they are located in Colorado.

Secretary Norton helped with the creation of our Nation's newest national park, The Great Sand Dunes National Park in Colorado. She also helped to create the largest Wildlife Refuge in Colorado, the 92,500 acre Baca National Wildlife Refuge.

Secretary Norton worked to help take the Rocky Mountain Arsenal and Rocky Flats and transform them from national defense sites to wildlife refuges.

As Gale steps down I am somewhat saddened. Her moving on signals the closing of one of the most productive chapters in the Department of Interior's history. But I am excited to see what new endeavors she will take on. In these new adventures I have no doubt that she will meet challenges head on and find the same success that she has seen as Secretary of Interior. I wish Secretary Norton all of the best in her new adventures. Thank you, Gale, for all your hard work.

#### STATE GUN VIOLENCE PREVENTION REPORT CARDS FOR 2005

Mr. LEVIN. Mr. President, unfortunately the U.S. Congress is not addressing the issue of gun violence prevention, and several States have enacted laws which have made communities, and especially the children who live in them, less safe. Earlier this month, the Brady Campaign to Prevent Gun Violence released its 9th annual Report Card on State Gun Violence Prevention Laws and highlighted the inadequacy of many state laws relating to gun safety.

Each year, the Brady Campaign report assigns individual states a grade of "A" through "F" on seven types of gun safety laws that protect children from gun violence. The Brady Campaign includes in its analysis such questions as: Is it illegal for a child to possess a gun without supervision? Is it illegal to sell a gun to a child? Are gun owners held responsible for leaving

loaded guns easily accessible to children? Are guns required to have child-safety locks, loaded-chamber indicators and other childproof designs? Do cities and counties have authority to enact local gun safety laws? Are background checks required at gun shows? And, is it legal to carry concealed handguns in public?

The grades assigned by the Brady Campaign show that State gun laws around the country continue to fall well short of what is needed to adequately protect children from gun violence. While six States received an "A," unchanged from last year, 32 states received a grade of "D" or "F," an increase of one. Only one State improved its grade from last year, while three others took actions that will make communities less safe from the threat of gun violence.

The Brady Campaign notes a few positive developments in State legislatures, including the consideration of state-level assault weapons bans by at least four states. Despite bipartisan support for its reauthorization, the 1994 Federal assault weapons ban was allowed to expire in 2004 due to inaction by the President and Republican leadership in the Congress.

Fortunately, the lack of Federal leadership on the assault weapons ban and several other gun safety issues has not discouraged citizens from working within their own communities and urging State legislatures to address the problems associated with gun violence. The Brady Campaign specifically recognized the importance of gun violence prevention advocates and leaders in several major cities, including Detroit, for their grassroots efforts. These efforts by local community leaders are needed now more than ever. Congress should take up and pass commonsense gun safety legislation to reauthorize and strengthen the assault weapons ban and help keep other dangerous firearms out of the hands of criminals and children.

#### WOMEN: BUILDERS OF COMMUNITIES AND DREAMS

Mr. SARBANES. Mr. President, I rise today in celebration of Women's History Month during which we as a Nation reflect on the momentous contributions women have made over the course of American history. Throughout our history, women have played vital roles that have helped initiate and guide important social, economic and political change, which has helped to solidify the greatness and prosperity of this Nation. I also want to, in turn, acknowledge that, while great strides have been made, there are still many barriers to equality that must be overcome.

This year's theme for Women's History Month is Women: Builders of Communities and Dreams. This theme recognizes the efforts of women in laying the foundation for greater equality and in building and buttressing movements that have resulted in profound change.

Of course, the foundation of all of our lives begins with our own communities, homes and families. We must not forget to honor the contributions of the women closest to us in their roles as mothers, grandmothers, wives, sisters, daughters, friends, and mentors—who transform and nurture us on a daily basis. As mothers and grandmothers, women spend each and every day building healthy, educated, productive, and happy families.

Building families goes hand in hand with building communities and a better society as a whole. Women have been at the forefront of this Nation's major social movements. One example is Anne Hutchinson, who in 1637 was banished from the Massachusetts Bay Colony because her beliefs ran contrary to Puritan teachings. Her courageous stand in the face of persecution helped lay the groundwork for religious freedom as a right. Even when their own rights were severely restricted, women rose up to fight for the rights of others. During the abolitionist movement, the social reform movement, the labor movement, and the civil rights movement, women emerged as leaders in the drive to make our society fairer and better for all Americans. During the civil rights movement, courageous women such as Rosa Parks, Coretta Scott King, and Ella Baker helped break down the walls of racism and ensure that equal justice was had by all regardless of the color of their skin.

The State of Maryland has a rich history of such leaders, including Harriet Tubman, who courageously led a shackled people to freedom via the Underground Railroad; Margaret Brent, who became America's first woman lawyer and landholder; and Clara Barton, founder and first president of the American Red Cross. Likewise, equality in the field of medicine was facilitated with the aid of Mary Elizabeth Garret and Martha Carey Thomas, whose financial support led to the establishment of the Johns Hopkins Medical School, after it was promised that women would not be excluded from admission. We in Maryland are particularly proud of Senator Barbara Mikulski who is Maryland's first female Senator and has served longer than any other woman currently in the Senate. In fact, it was Senator MIKULSKI who sponsored legislation establishing National Women's History Week, the precursor to Woman's History Month, in 1981. Maryland is also the birthplace of another distinguished public servant, House Democratic Leader Nancy Pelosi, whose historic political career took root in the State of Maryland. Leader PELOSI, who hails from a legendary political family in Baltimore, is the first woman in our Nation's history to lead a major political party in Congress. And, in 2006, Maryland leads the country in the number of women serving in the State legislature.

Over the last 50 years, more women have entered the workforce and attained rights previously unavailable.

But this does not mean that, as a Nation, we have erased the adversity and discrimination that continues to stifle equality. According to the U.S. Census, women who work full time, year-round, earned 76 cents for every dollar their male counterparts earned. Gaps in health care coverage affect millions of Americans and women, especially those living in poverty, face significant barriers to receiving care. Access to preventative measures unique to ensuring a woman's health, such as screenings for breast and cervical cancer, has been harder to achieve in recent years and participation rates for such screenings have declined since 2001. Such inequalities are very troubling, and we must continue to work to ensure that these disparities are eradicated for the sake of future generations.

It is a privilege to commemorate and appreciate the women who have made an indelible impact on our lives and the history of this country. I encourage my colleagues to take Women's History Month as a time to reflect on the contributions of women, but also as a time to redouble our efforts to ensure that these achievements are retained and to work toward the goal of full equality.

Mrs. FEINSTEIN. Mr. President, I rise today in recognition of Women's History Month. As one of the 14 women in the United States Senate, I consider this tribute of the highest importance. This year's theme for the month is "Women: Builders of Communities and Dreams." There is no better time to salute the work women around the world have done at home and abroad to empower communities.

I am proud to come from the State where Women's History Month was conceived in 1978. Almost 30 years ago, the education task force of the Sonoma County Commission on the Status of Women in California first established Women's History Week in recognition of the achievements of women. This was soon expanded into a month-long celebration, realizing the dream of honoring women in a special way each year.

Women's History Month recognizes those who continually strive for greatness. One that comes to mind is Mary Helen Rogers, who passed away earlier this month. She dedicated her life to protecting African American families in San Francisco from urban displacement. While raising 12 children, she became an expert in housing laws. She helped start the Western Addition Community Organization, which forced the city to assist the residents it displaced. She later went on to serve as the San Francisco Housing Authority's community relations manager. Mary Helen Rogers demonstrated through her life's work the importance of community activism and the power of an individual to inspire action in those around her.

Just last month we lost another very special woman—Dana Reeve, the widow of actor Christopher Reeve. Her com-

mitment to spinal cord injury research and loving dedication to her husband was unmatched. Since Chris' death, she carried his spirit with her in her drive to push Congress to expand embryonic stem cell research. Dana was the face of the fight on behalf of patients across the country with spinal cord injury, Parkinson's, juvenile diabetes and countless other illnesses. Her passing should serve as call for expansion of embryonic stem cell research. Mrs. Reeve's steadfast loyalty and compassionate care serves as an example to all women. She will be missed.

In Los Angeles, "Sweet" Alice Harris has been a leader in her community for over 40 years. Her steadfast commitment to the community through parent organizations, emergency relief, and youth programs, has made her an example of true community leadership.

As American women, we share a common history: It is a history of fighting for many of the rights and opportunities for which today's young women will prosper. We have come a long way from the days when women had no right to vote, no right to own property, and had extremely limited inheritance or child custody rights.

It wasn't until the Women's Property Act of 1839 that women gained land entitlement. The women's suffrage movement began in 1848; however the 19th amendment, granting women the right to vote, did not come to pass until 72 long years later, in 1920. It is a right for which our predecessors worked hard for. We owe it to them to fulfill our civic duty.

Today, American women are active in every sphere of our society. We have made our mark in this country's private and public sectors. Over 65 million women are a part of the American workforce. There are over 10 million woman-owned businesses. Women represent our Nation around the world. Many proudly wear our Nation's uniform.

Much has changed for over the past century. But make no mistake; much more needs to be done. We must provide improved health care and educational and workforce support for our Nation's women. We need to eliminate violence against women. We need to ensure that women continue to have the right to choose and autonomy over their bodies.

Violence against women is intolerable. Every 15 seconds a woman is battered, and each day four women die from domestic violence. Women should not be threatened by fear and violence. This is why the Violence Against Women Act reauthorization is such an important piece of legislation.

We also need to improve healthcare in our Nation. Breast cancer continues to be a serious threat to women in this country. One out of seven American women will develop the disease, and nearly 41,000 will die from it this year. We must commit ourselves to finding a cure for this disease which affects women regardless of race, class, or religion.

As the sponsor of the breast cancer research stamp, I am proud to say that since its inception in 1998, the stamp has helped raise nearly \$50 million. These funds go a long way to help fund research and increase public awareness for this devastating disease. I am also supporting the National Institute of Health and National Cancer Institute legislative efforts to ensure that women undergoing mastectomy and lumpectomy surgeries are protected during their hospital stays. By continuing to prioritize investment in research, it is my hope that we can reach the goal of eradicating breast cancer by 2015.

Pregnant women must be provided with access to clinical care and parenting support. The U.S. infant mortality rate is 35th in the world. We must change this. Providing mothers with proper nutrition and healthy lifestyle education is key to combating preventable illnesses and deaths in mothers and children. Additionally, women are balancing careers with families more than ever, creating the need for affordable, quality childcare options.

Women are also in the midst of the war in Iraq, and we need to honor these women fighting to protect this country and for the dreams of those women who have been oppressed in Iraq and Afghanistan for too long.

Women began enlisting in the military at the start of World War I. Today women are serving in Iraq in record numbers. Women in the armed services make up 15 percent of active duty personnel. There have been nearly 2,000 California female deployments since 9/11. They do jobs that range from intelligence officers to doctors, to ground soldiers.

In Louisiana, Hurricane Katrina swept communities away in an instant. In the areas hardest hit by Katrina, 56 percent of families are headed by women, who are now taking the lead role in rebuilding the homes and lives their families and neighbors once knew. They deserve our help and support. It is only through their efforts that communities in New Orleans can thrive once again.

I salute the women leading the way in building stronger communities in California and across the Nation. They continue to lead and inspire us all. It is through their tenacity, strength, and passion that we see the transformation of dreams into realities. I have great hope for future generations of women, but we must protect and expand the cherished rights of today's women, so that they may continue to serve their communities and realize their dreams.

#### ADDITIONAL STATEMENTS

##### THE PASSING OF JOE TECCE

• Mr. KERRY. Mr. President, I rise today to recognize and celebrate the life of a great American, a Boston institution, and a personal friend. Earlier

this month the legendary restaurateur Joe Tecce passed away, and with his death at age 94 a colorful chapter of Boston's history came to a close.

Joe's journey in the hospitality business started with a pushcart selling fruit on the North End's Salem Street at age 14, and due to his father's death years earlier, that job would constitute much of the family income. His trademark perseverance and business sense allowed him to open the Bella Napoli pizzeria in 1947. This 30 seat restaurant would host the first of countless guests, from all walks of life and from all over the world, who would make an evening special by sitting at one of Joe's coveted tables.

Once formally established on North Washington Street, Joe Tecce's Ristorante, or what regulars simply called "Tecce's", became a favorite of Bostonians, tourists from around the world, and celebrities of every stripe for more than 40 years. His reputation grew as his business and family did, and for Joe the two were almost inseparable. In addition to his traditional culinary skills, Joe became a host of such generosity and grace that he became an ambassador for the city itself. Standing at the door of Tecce's, often with his trademark wide-brimmed felt hat, Joe would greet everyone from Elizabeth Taylor and Nancy Reagan, to Frank Sinatra and Al Pacino, as well as luminaries from the worlds of sports such as Bobby Orr, Reggie Jackson and Larry Bird. His love of boxing not only attracted Rocky Marciano and Marvin Hagler to visit, it actually resulted in Joe being named to the Boxing Commission by then-Governor Ed King.

To walk into Tecce's was to walk into his home, and as you took your seat you could look around and see generations of Joe's family, sons and cousins, pushing forward the legacy he started with his fruit cart over 60 years earlier. For me and my family, no trip to the Boston Garden for a Celtics or Bruins game would be complete without starting the evening at Tecce's, and over the many years I knew Joe it became customary for my friends to gather there before a political event or a night at the theater.

Joe Tecce loved his family, his neighbors, and the North End and its traditions. But it was with his restaurant that he wove together all three and throughout the course of his career they became one. His legacy of generosity and hospitality leaves the city of Boston a better place, and it is with a heavy heart that I join his countless friends and beloved family in honoring his time with us.●

#### TRIBUTE TO COMMANDER MARK S. HOCHBERG

● Mr. WARNER. Mr. President, I rise today to recognize CDR Mark S. Hochberg on his retirement from 20 years of faithful and dedicated service to the U.S. Navy.

Throughout his career as a Seabee and civil engineer, he has made count-

less contributions to our Navy and Nation that improved the Navy's readiness and bettered the lives of its men and women. I want to thank him for his service and wish him the best of luck in all his future endeavors.●

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself, Ms. STABENOW, Mrs. MURRAY, Mr. CRAPO, Mr. SANTORUM, and Mr. LEVIN):

S. 2487. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Ms. LANDRIEU):

S. Res. 416. A resolution recognizing the victims of Hurricane Rita 6 months after the disaster, commending the resiliency of the people of Southwest Louisiana and Southeast Texas, and committing to stand by them in their relief and rebuilding efforts; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mrs. DOLE, Mr. CRAIG, Mr. AKAKA, Mr. FRIST, Ms. STABENOW, Ms. MIKULSKI, Mr. MENENDEZ, Ms. LANDRIEU, Mr. JOHNSON, Mr. BIDEN, Mr. KERRY, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. DORGAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SUNUNU, Ms. MURKOWSKI, Mr. CHAFEE, Mr. ISAKSON, Mr. INHOFE, Mr. SANTORUM, Mr. SCHUMER, Mrs. CLINTON, Ms. SNOWE, Mr. CHAMBLISS, Mr. BURNS, Mrs. HUTCHISON, Mr. GREGG, Mr. CRAPO, Mr. VOINOVICH, Mr. VITTER, and Mr. BINGAMAN):

S. Res. 417. A resolution honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation; considered and agreed to.

By Mr. SALAZAR (for himself, Mr. DEWINE, Mr. DODD, Ms. LANDRIEU, Mr. KERRY, Mr. BURR, Mr. LEVIN, Mrs. CLINTON, Mr. CONRAD, and Mrs. MURRAY):

S. Res. 418. A resolution designating the week beginning April 2, 2006, as "Week of the Young Child"; considered and agreed to.

By Mr. FRIST (for himself and Mr. INHOFE):

S. Res. 419. A resolution expressing the sense of the Senate that the new United Nations Human Rights Council fails to adequately reform the United Nations Commission on Human Rights, thus preventing that body from becoming an effective monitor of human rights throughout the world; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 484

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 718

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 718, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, and to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1728

At the request of Mr. INHOFE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

S. 2135

At the request of Mr. INOUE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2135, a bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to longstanding policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes.

S. 2296

At the request of Mr. INOUE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2296, a bill to establish a fact-finding Commission to extend the

study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 2429

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2429, a bill to authorize the President to waive the application of certain requirements under the Atomic Energy Act of 1954 with respect to India.

S. 2433

At the request of Mr. SALAZAR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2433, a bill to amend title 38, United States Code, to establish an Assistant Secretary for Rural Veterans in the Department of Veterans Affairs, to improve the care provided to veterans living in rural areas, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

AMENDMENT NO. 3210

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 3210 proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

AMENDMENT NO. 3212

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 3212 intended to be proposed to S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Ms. STABENOW, Mrs. MURRAY, Mr. CRAPO, Mr. SANTORUM, and Mr. LEVIN):

S. 2487. A bill to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of United States-grown specialty crops; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CRAIG. Mr. President, I rise today to introduce the "Specialty Crop Competition Act of 2006." This bipartisan legislation co-sponsored by the distinguished Senator from Michigan, Senator STABENOW, increases the focus on the contribution that specialty crops add to the U.S. agricultural economy. This bill specifically provides the proper and necessary attention to many challenges faced throughout each segment of the industry.

Most do not realize the significance of specialty crops and their value to the U.S. economy and the health of U.S. citizens. According to the United States Department of Agriculture Economic Research Service, fruits and vegetables alone added \$29.9 billion to the U.S. economy in 2002. This figure does not even include the contribution of nursery and other ornamental plant production, which our bill recognizes.

The specialty crop industry also accounts for more than \$53 billion in cash receipts for U.S. producers, which is close to 54 percent of the total cash receipts for all crops. A surprising fact to some is that my State of Idaho is a top producer of specialty crops. Idaho proudly boasts production of cherries, table grapes, apples, onions, carrots, several varieties of seed crops and of course one of our most notable specialty crops, potatoes.

Maintaining a viable and sustainable specialty crop industry also benefits the health of America's citizens. Obesity continues to plague millions of people today and is a very serious and deepening threat not only to personal health and well-being, but to the resources of the economy as well. This issue is now receiving the necessary attention at the highest levels, and specialty crops will continue to play a prominent role in reversing the obesity trend.

The "Specialty Crop Competition Act" will also provide a stronger position for the U.S. industry in the global market arena. This legislation promotes initiatives that will combat diseases both native and foreign that continue to be used as non-tariff barriers to U.S. exports by foreign governments. Additionally, provisions in this bill seek improvements to federal regulations and resources that impede timely consideration of industry sanitary and phytosanitary petitions.

This bill does not provide direct subsidies to producers like other programs. This legislation takes a major step forward to highlight the significance of this industry to the agriculture economy, the benefits to the health of U.S. citizens, and the need for a stable, affordable, diverse, and secure supply of food.

Although we near the end of the 109th Congress, I look forward to working with my colleagues and the Administration to consider this comprehensive and necessary legislation as we begin to discuss new initiatives for the 2007 Farm Bill.

Ms. STABENOW. Mr. President, I rise today to join my colleague from Idaho, Senator CRAIG, in introducing the Specialty Crops Competition Act of 2006. I want to thank Senator CRAIG for his continued leadership on specialty crop issues. We have worked together for a number of years on legislation to promote American fruit and vegetable production and consumption of high quality, nutritious American-grown produce and this legislation is the next step in that process.

Michigan is a State that makes things and grows things. We are famous for our automobiles, and we are also known for our cherries, apples, blueberries, and asparagus. I am proud to represent a State that is rich in diverse agricultural production. In fact, Michigan is second only to California in the variety of crops that we grow. Furthermore, agriculture is one of the lynchpins of Michigan's economy. Our farms contribute \$37 billion annually to the State economy and provide more than half a million good jobs. Our specialty crops alone generate nearly \$1.3 billion every year.

For far too long, specialty crops have been ignored by the U.S. Department of Agriculture. Specialty crops account for 51 percent of total national farm receipts but they do not receive the same subsidies or USDA consideration as program crops.

I want to clarify that the Craig-Stabenow bill is in no way designed to take funding away from program crops, but rather to bring specialty crops up to the status of program crops. All of our farmers work hard and take a gamble every year to produce and receive a return on their crops. They gamble against heat, drought, frost, storms, pests, crop diseases, and most recently a flood of foreign produce to our markets. The Specialty Crops Competition Act of 2006 would give specialty crop farmers valuable tools to keep them competitive and productive in a global marketplace.

Our bill creates a specialty crop block grant to State departments of agriculture at a level of \$200 million annually in grants for fiscal years 2007–2009. The grants will support production-related research, commodity production, nutrition, food safety and inspection and other competitiveness enhancing programs. Each State will receive a minimum of \$3 million each year, and a cap of \$15 million annually per State is set to ensure funds for a competitive grant program, for which grower associations and others can apply. Our bill also fixes a longstanding misinterpretation of the Tree Assistance Program by ensuring that farmers who have lost trees and vines due to disasters or disease are eligible



for assistance of up to \$75,000 per year and not \$75,000 maximum over the life of the farm bill.

Our bill also increases Federal purchases of fruits and vegetables for use on nutrition programs, such as the Commodity Food Supplemental Assistance Program. I have been a longtime supporter of nutrition programs because they are a win for farmers and a win for the most vulnerable of our citizens—children, seniors, and the poor. Specialty crop farmers benefit by having a market to which to sell their fruits and vegetables. And children, seniors, and those with low incomes receive healthy and balanced meals. One of the key provisions of the Craig-Stabenow bill is the correction of USDA's chronic misinterpretation of section 10603 of the 2002 farm bill. This section instructs USDA to purchase at least \$200 million of fruits and vegetables annually over and above the purchases they currently make. Unfortunately, USDA is not complying with this provision. Instead of adding the \$200 million on top of baseline spending for school lunch and senior programs, USDA has eliminated the baseline spending so there is no guarantee of any new spending on fruits and vegetables for our children. In fact, in 2002 USDA did not even meet the minimum purchase requirement; only \$181 million in fresh fruits and vegetables were purchased. The Specialty Crop Competitiveness Act will correct this discrepancy and provide our Nation's children with much needed fruits and vegetables.

In addition, the Specialty Crops Competition Act improves growers' access to foreign markets by requiring the Animal Plant Health Inspection Service, APHIS, to create a division to handle industry petitions on sanitary and phytosanitary barriers to specialty crop exports, increase technical assistance funding for specialty crops, and study the effects of recent trade agreements and propose a strategy for specialty crop producers to more effectively benefit from international trade opportunities.

I am pleased to offer the Specialty Crops Competition Act of 2006 with Senator CRAIG. This is just one more step in ensuring the future of specialty crop production in the United States. As the Senate begins work on reauthorization of the farm bill, Senator CRAIG and I will continue to work with specialty crop farmers and growers' associations to improve and expand this legislation. Supporting American specialty crop growers and providing nutritious fruits and vegetables to American people is vital to ensuring our own health and the health of our economy. I hope that my colleagues will join me and support the Specialty Crops Competition Act of 2006.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 416—RECOGNIZING THE VICTIMS OF HURRICANE RITA 6 MONTHS AFTER THE DISASTER, COMMENDING THE RESILIENCY OF THE PEOPLE OF SOUTHWEST LOUISIANA AND SOUTHEAST TEXAS, AND COMMITTING TO STAND BY THEM IN THEIR RELIEF AND REBUILDING EFFORTS

Mr. VITTER (for himself, Mr. CORNYN, Mrs. HUTCHISON, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

## S. RES. 416

Whereas, on September 24, 2005, Hurricane Rita reached landfall causing extensive and significant damage along the Louisiana and extreme southeastern Texas coasts;

Whereas Hurricane Rita was named the fourth most intense Atlantic Hurricane ever recorded and the most intense tropical cyclone observed in the Gulf of Mexico;

Whereas the storm caused the loss of power in 700,000 homes in the State of Louisiana;

Whereas the total damage is estimated at \$9,400,000,000, making Hurricane Rita the ninth-costliest storm in the history of the United States;

Whereas the human suffering continues for thousands of people who have lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is still critically needed in many of the areas affected by Hurricane Rita;

Whereas Federal, State, and local first responders, the National Guard, and many ordinary citizens have risked their lives to save others;

Whereas the American Red Cross, the Salvation Army, local religious organizations, and other volunteer organizations and charities continue to supply victims with necessities;

Whereas the State of Texas and numerous other States have welcomed thousands of victims from Louisiana and continue to provide them with aid and comfort; and

Whereas thousands of volunteers and government employees from across the Nation have committed time and resources to help with recovery efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the condolences of the Nation to the victims of Hurricane Rita;

(2) recognizes the 6-month anniversary of the disaster;

(3) commends the resiliency and courage of the people of the States of Louisiana and Texas; and

(4) commits to providing the necessary resources and to standing by the people of the States of Louisiana and Texas in the relief, recovery, and rebuilding efforts in the areas impacted by Hurricane Rita.

SENATE RESOLUTION 417—HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES AND THE 119 STATE VETERANS HOMES PROVIDING LONG-TERM CARE TO VETERANS THAT ARE REPRESENTED BY THAT ASSOCIATION FOR THEIR CONTRIBUTIONS TO THE HEALTH CARE OF VETERANS AND THE HEALTH-CARE SYSTEM OF THE NATION

Mr. LAUTENBERG (for himself, Mrs. DOLE, Mr. CRAIG, Mr. AKAKA, Mr. FRIST, Ms. STABENOW, Ms. MIKULSKI, Mr. MENENDEZ, Ms. LANDRIEU, Mr. JOHNSON, Mr. BIDEN, Mr. Kerry, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mr. NELSON of Nebraska, Mr. DORGAN, Mr. SALAZAR, Mr. COLEMAN, Mr. SUNUNU, Ms. MURKOWSKI, Mr. CHAFEE, Mr. ISAKSON, Mr. INHOFE, Mr. SANTORUM, Mr. SCHUMER, Mrs. CLINTON, Ms. SNOWE, Mr. CHAMBLISS, Mr. BURNS, Mrs. HUTCHISON, Mr. GREGG, Mr. CRAPO, Mr. VOINOVICH, Mr. VITTER, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

## S. RES. 417

Whereas the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the executive branch;

Whereas the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in such homes;

Whereas the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

Whereas State veterans homes, which provide long-term care to thousands of veterans, were established initially in the States of Connecticut, Kansas, Ohio, and Maine in 1868 to house, feed, and care for thousands of homeless, wounded, and permanently scarred Union soldiers and thus have been in existence since before the establishment of the Department of Veterans Affairs, the earlier Veterans' Administration, and its predecessor agencies;

Whereas in 1888 Congress authorized the Federal payment of a daily allowance for the care of each former soldier or sailor in a State home-hospital, an allowance that continues today in the form of a per diem grant program administered by the Department of Veterans Affairs that is authorized to provide up to 50 percent of the average daily cost of care, but currently provides only approximately 30 percent;

Whereas the Department of Veterans Affairs further participates in the care of veterans in State homes with a matching grant program to support construction and major renovation projects to sustain those homes and build towards sufficient levels of available, high-quality health care;

Whereas State veterans homes offer long-term services to eligible veterans in need of such services on certification of the Department of Veterans Affairs at 119 facilities in

47 States and the Commonwealth of Puerto Rico;

Whereas the States determine the allocation of nursing home beds in individual State veterans home facilities, and establish the eligibility of veterans and their dependents to occupy those beds, following Federal guidelines;

Whereas within the limits of their capacities, State veterans homes provide care for more than 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership;

Whereas State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs;

Whereas the number of elderly veterans, particularly those over age 85, continues to rise, and the need for long-term care services for those veterans will continue to rise in the coming years; and

Whereas the Nation's State veterans homes continue to achieve their purpose of improving and sustaining the health of elderly, sick, and severely disabled veterans by assuring access to affordable nursing care in settings that provide personal dignity to truly deserving veterans, often at the end of lives spent in service to the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their significant contributions to the health care of veterans and to the health care system of the Nation;

(2) commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;

(3) recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and

(4) affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation's veterans for institutional long-term care services.

#### SENATE RESOLUTION 418—DESIGNATING THE WEEK BEGINNING APRIL 2, 2006, AS “WEEK OF THE YOUNG CHILD”

Mr. SALAZAR (for himself, Mr. DEWINE, Mr. DODD, Ms. LANDRIEU, Mr. KERRY, Mr. BURR, Mr. LEVIN, Mrs. CLINTON, Mr. CONRAD, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 418

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low-income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served due to inadequate funding;

Whereas over 4,000,000 children under the age of 5 live in poverty;

Whereas only about ½ of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so, and even fewer eligible babies and toddlers receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives an amount of child care assistance sufficient to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs; and

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs yield to the public a return of 4 dollars to 13 dollars for each dollar invested: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning April 2, 2006, as “Week of the Young Child”;

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

#### SENATE RESOLUTION 419—EXPRESSING THE SENSE OF THE SENATE THAT THE NEW UNITED NATIONS HUMAN RIGHTS COUNCIL FAILS TO ADEQUATELY REFORM THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, THUS PREVENTING THAT BODY FROM BECOMING AN EFFECTIVE MONITOR OF HUMAN RIGHTS THROUGHOUT THE WORLD

Mr. FRIST (for himself and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 419

Whereas the United Nations Commission on Human Rights was created in 1946 to monitor and prevent the abuse of human rights throughout the world;

Whereas, since its creation in 1946, the United Nations Commission on Human Rights failed to consistently uphold the ideals contained in—

(1) the United Nations Charter; and

(2) the Universal Declaration on Human Rights;

Whereas the United Nations Commission on Human Rights had been particularly ineffective because the membership of the commission included some of the worst abusers of human rights in the world, including—

(1) Cuba;

(2) Sudan;

(3) Libya;

(4) Belarus;

(5) China; and

(6) Zimbabwe;

Whereas the United Nations Commission on Human Rights failed to act or speak out against numerous cases of egregious human rights abuses, including—

(1) the many abuses of communism;

(2) the genocide in Rwanda in 1994; and

(3) the ongoing genocide in Darfur caused by the Government of Sudan;

Whereas the United Nations Commission on Human Rights failed to condemn countries that sponsor terrorism, including—

(1) Iran;

(2) Syria; and

(3) North Korea;

Whereas the United Nations Commission on Human Rights had repeatedly singled out Israel, the only democracy in the Middle East, for criticism, while overlooking serious human rights abuses throughout that region of the world;

Whereas President Bush and the United Nations Secretary-General, Kofi Annan, have repeatedly emphasized that meaningful reform of the United Nations Commission on Human Rights is a key element for making the United Nations more accountable, effective, and efficient;

Whereas the creation of the new Human Rights Council on March 15, 2006, failed to address the serious shortcomings of the United Nations Commission on Human Rights and fell far short of creating the small standing body composed of appropriate countries that was initially envisioned by the United Nations Secretary-General, Kofi Annan, in his March 2005 report, “In Larger Freedom: Towards Development, Security and Human Rights For All”;

Whereas the new United Nations Human Rights Council succeeds only in making superficial changes to the structure of the United Nations Commission on Human Rights;

Whereas the new United Nations Human Rights Council does not—

(1) embody the recommended institutional reforms necessary to advance human rights;

(2) monitor cases of human rights abuse throughout the world; and

(3) prevent egregious human rights violators from being elected to the council;

Whereas the new United Nations Human Rights Council only reduces the number of seats on the council from 53 to 47, which is not enough to make the council more efficient or more effective;

Whereas the new United Nations Human Rights Council also maintains many geographical quotas that will only ensure that human rights abusers will continue to have access to membership on the council;

Whereas the new United Nations Human Rights Council is not supported by some of the leading non-governmental institutions in

the world that are dedicated to the promotion of freedom and human rights;

Whereas the United States, while voting against the resolution creating the United Nations Human Rights Council, was unable to ensure that the council would be structured to best promote and protect human rights around the globe; and

Whereas if the United States, working with other like-minded countries, is not able to adequately reform the corrupt United Nations Human Rights Commission, then the chances for the United States and other like-minded countries to effect the broader changes to the United Nations that are desired and needed to make the institution more effective are much reduced: Now, therefore, be it

*Resolved*, That the Senate—

(1) affirms that the United Nations Human Rights Council should be a body that upholds the ideals contained in—

(A) the United Nations Charter; and

(B) the Universal Declaration on Human Rights;

(2) believes that countries charged with protecting the human rights of individuals throughout the world should be required to—

(A) hold regular, competitive, and democratic elections;

(B) allow for freedom of expression; and

(C) have a credible civil society;

(3) finds that the creation of the United Nations Human Rights Council fails to—

(A) adequately reform the United Nations Commission on Human Rights; and

(B) prevent the worst abusers of human rights in the world from attaining membership to the council;

(4) applauds the Administration for opposing the creation of the new council;

(5) believes that the United States should adhere to its principles and not seek membership on the new council, a move that would undermine the credibility of the United States and give the new council unwarranted legitimacy;

(6) urges the Administration to not support the United Nations Human Rights Council, and to advocate in favor of the withdrawal of any financial support that would be used to support the council until meaningful reforms are undertaken; and

(7) believes the United States should strengthen, deepen, and operationalize the work of the international community of democracies by establishing an effective human rights oversight body outside the United Nations system, so as to make it the primary means for examining, exposing, monitoring, and redressing human rights abuses throughout the world.

Mr. FRIST. Mr. President, yesterday, I wrote a letter to President Bush expressing my strong opposition to the United States participating in the United Nations Human Rights Council. I believe the newly established body represents little improvement over the old and discredited commission it is intended to replace. Furthermore, any U.S. participation or financial support of the Council undermines our credibility as defenders of human rights around the world. I believe many of my colleagues share my assessment, which is why this resolution expresses the Senate's opposition to the Council and our strong belief that the United States should take no part. The United Nations Commission on Human Rights was established by the United States and our allies in 1946 to monitor and prevent human rights abuses throughout the world. It was charged to uphold

the ideals embodied in the U.N. Charter and the Universal Declaration on Human Rights. However, in the intervening years, the Commission fell far short of these noble expectations. In particular, the Commission consistently granted membership to some of the world's worst human rights abusers. Sudan, Cuba, Libya, China, and Zimbabwe all have demonstrated egregious disregard for the human rights of their own citizens and shamefully were all Commission members. Moreover, the Commission repeatedly failed to act or condemn numerous cases of intolerable human rights abuses. These include the many abuses perpetrated by Communist states, the 1994 Rwanda genocide, and even the ongoing genocide in Sudan's western region of Darfur. Many of our colleagues by now have had the opportunity to travel to that Darfur region. I, for one, have been there, as well as Chad, the country immediately west, and seen the terrible tragedies that are being created by this ongoing genocide. The Commission refused to condemn state sponsors of terrorism, such as Iran, Syria, and North Korea. They consistently singled out the only democracy in the Middle East, Israel, for criticism, while overlooking serious cases of human rights abuse in neighboring countries. The Commission repeatedly proved itself ineffective, unaccountable, and inefficient. It failed to achieve the goals and uphold the ideals for which it was created. Now, to their credit, the United States and many at the United Nations recognized the need for serious reform of the Commission in order to restore the U.N.'s credibility. However, the U.N.'s new Human Rights Council, established just 2 weeks ago, fails to do just that. It falls far short of the standards envisioned by President Bush and Secretary General Kofi Annan. It glosses over its deficiencies and offers only superficial changes to the former Commission structure.

Fundamentally, the Council lacks the mechanisms and standards necessary to prevent flagrant human rights violators from gaining membership. It maintains the geographical quotas that will, once again, ensure that human rights abusers continue to have access to membership. It is wrong. It does not make sense. In short, the new Council fails to improve over the old Commission, and it is destined to fail in its core mission of monitoring and preventing human rights abuses around the world.

I applaud President Bush and our Ambassador at the U.N., John Bolton, for opposing the resolution establishing the Council. I personally urge the administration, as does this resolution, to oppose U.S. participation in and deny American support for the U.N.'s new Human Rights Council. This would uphold America's credibility and reputation as a protector of human rights and deny the Council unwarranted legitimacy.

I also believe that the United States should lead a group of like-minded de-

mocracies to establish an effective human rights oversight body outside of the U.N. system. At a minimum, countries charged with protecting human rights should themselves hold regular, competitive, democratic elections; allow for freedom of expression; and have a credible civil society—all of which was not the case for the old U.N. Commission, nor is it now the case for the new Council.

Regrettably, the U.N. and many of its member states have shown that they are not serious about reform. Therefore, the United States and those committed to protecting human rights must adhere to our principles and work toward a solution outside of the United Nations.

For too long, the world's worst human rights abusers have successfully shielded themselves from scrutiny. It is time for change. It is time for sunlight. I believe that under the leadership of America, we should create a new, a stronger, a more credible body to protect the human rights of all of those who are vulnerable around the world.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3214. Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table.

SA 3215. Mr. ISAKSON proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*.

SA 3216. Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*; which was ordered to lie on the table.

SA 3217. Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*; which was ordered to lie on the table.

SA 3218. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, *supra*; which was ordered to lie on the table.

SA 3219. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, *supra*; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3214.** Mr. SANTORUM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . DESIGNATION OF POLAND AS A VISA WAIVER COUNTRY.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since the founding of the United States, Poland has proven its steadfast dedication to the causes of freedom and friendship with the United States, exemplified by the brave actions of Polish patriots such as Casimir Pulaski and Tadeusz Kosciuszko during the American Revolution.

(2) Polish history provides pioneering examples of constitutional democracy and religious tolerance.

(3) The United States is home to nearly 9,000,000 people of Polish ancestry.

(4) Polish immigrants have contributed greatly to the success of industry and agriculture in the United States.

(5) Since the demise of communism, Poland has become a stable, democratic nation.

(6) Poland has adopted economic policies that promote free markets and rapid economic growth.

(7) On March 12, 1999, Poland demonstrated its commitment to global security by becoming a member of the North Atlantic Treaty Organization.

(8) On May 1, 2004, Poland became a member state of the European Union.

(9) Poland was a staunch ally to the United States during Operation Iraqi Freedom.

(10) Poland has committed 2,300 soldiers to help with ongoing peacekeeping efforts in Iraq.

(11) The Secretary of State and the Secretary administer the visa waiver program, which allows citizens from 27 countries, including France and Germany, to visit the United States as tourists without visas.

(12) On April 15, 1991, Poland unilaterally repealed the visa requirement for United States citizens traveling to Poland for 90 days or less.

(13) More than 100,000 Polish citizens visit the United States each year.

(b) **VISA WAIVER PROGRAM.**—Effective on the date of the enactment of this Act, and notwithstanding section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), Poland shall be deemed a designated program country for purposes of the visa waiver program established under section 217 of such Act.

**SA 3215.** Mr. ISAKSON proposed an amendment to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . BORDER SECURITY CERTIFICATION.**

Notwithstanding any other provision of law, beginning on the date of the enactment of this Act, the Secretary may not implement a new conditional nonimmigrant work authorization program that grants legal status to any individual who illegally enters or entered the United States, or any similar or subsequent employment program that grants legal status to any individual who illegally enters or entered the United States until the Secretary provides written certification to the President and the Congress that the borders of the United States are reasonably sealed and secured.

**SA 3216.** Mr. ALLARD submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 15, strike “(f)” and insert the following:

(f) **TERRORIST ACTIVITIES.**—Section 212(a)(3)(B)(i) (8 U.S.C. 1182(a)(3)(B)(i)) is amended—

(1) in subclause (III), by striking “, under circumstances indicating an intention to cause death or serious bodily harm, incited” and inserting “incited or advocated”; and

(2) in subclause (VII), by striking “or espouses terrorist activity or persuades others to endorse or espouse” and inserting “espouses, or advocates terrorist activity or persuades others to endorse, espouse, or advocate”.

**SA 3217.** Ms. MIKULSKI (for herself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 174, between lines 15 and 16, insert the following:

**SEC. 2. . EXTENSION OF RETURNING WORKER EXEMPTION.**

Section 402(b)(1) of the Save Our Small and Seasonal Businesses Act of 2005 (title IV of division B of Public Law 109-13; 8 U.S.C. 1184 note) is amended by striking “2006” and inserting “2009”.

**SA 3218.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3192 submitted by Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HAGEL) to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

On page 329, line 11, insert “(other than subparagraph (C)(i)(II) of such paragraph (9))” after “212(a)”.

On page 330, strike lines 8 through 15, and insert the following: this paragraph to waive the provisions of section 212(a).

“(3) **INELIGIBILITY.**—An alien is ineligible for conditional nonimmigrant work authorization and status under this section if—

“(A) the Secretary of Homeland Security determines that—

“(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

“(ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

“(iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

“(B) the alien has been convicted of any felony or three or more misdemeanors; or

**SA 3219.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2454, to amend the Immigration and Nationality Act to provide for comprehensive reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

**SEC. 305. EMPLOYEE IDENTITY THEFT PREVENTION AND PRIVACY PROTECTION.**

(a) **FINDINGS.**—

(1) According to the Federal Trade Commission, more than 8,400,000 Americans were

victims of identity theft in 2004, and according to published reports approximately 55,000,000 Americans’ most sensitive, personally identifiable information was accidentally made public through a data breach during 2005.

(2) Approximately 54,000,000 times each year, someone in America begins a new job and full implementation of the System will require transfer of data to verify the identity and authorization of each potential new employee.

(3) The data transferred through the System or stored in the databases utilized to verify identity and authorization will contain each employee’s most sensitive, personally identifiable information.

(4) The information transferred and stored will be of uniquely high value to any potential identity thief, nonwork authorized undocumented alien, alien smuggler, or terrorist seeking to establish work authorization under another’s name.

(5) The System should not be implemented or expanded unless it sufficiently protects against identity theft and safeguards employees’ personal privacy.

(b) **PRIVACY PROTECTIONS IN THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.**—Section 274A (8 U.S.C. 1324a), as amended by section 301(a), is further amended by adding at the end of subsection (d)(2) the following new subparagraphs:

“(H) **LIMITATION ON DATA ELEMENTS COLLECTED FOR VERIFICATION PROCESS.**—Employers utilizing the System shall obtain only the following data elements from any employee:

“(i) The employee’s full legal name.

“(ii) The employee’s date of birth.

“(iii) The employee’s social security account number or other employment authorization status identification number.

“(I) **LIMITATION ON DATA ELEMENTS STORED.**—The System and any databases created by the Commissioner of Social Security or the Secretary to achieve confirmation, tentative nonconfirmation, or final nonconfirmation of employment eligibility for an individual shall store only the minimum data about each individual for whom an inquiry was made to facilitate the successful operation of the System, but in no case shall the data stored be other than—

“(i) the individual’s full legal name;

“(ii) the individual’s date of birth;

“(iii) the individual’s social security account number or other employment authorization status identification number;

“(iv) the address of the employer making the inquiry;

“(v) the dates of any prior inquiries concerning the identity and eligibility of the employee by the employer or any other employers and the address of any such employer;

“(vi) records of any prior confirmations, tentative nonconfirmations, or final nonconfirmations issued under the System for the individual; and

“(vii) in the case of an employee successfully challenging a prior tentative nonconfirmation, explanatory information concerning the successful resolution of any erroneous data or confusion regarding the identity of the employee, including the source of that error.

“(J) **LIMITATION OF SYSTEM USE OR INFORMATION TRANSFER.**—Only individuals employed by the Commissioner of Social Security or the Secretary to implement and operate the System shall be permitted access to the System and any information in the databases queried to determine identity and employment authorization. It shall be unlawful for any other person to access the System or such databases or obtain information from the System or database. Information stored

in the Systems or such databases may not be transferred to or shared with any Federal, State, or local government officials for any purpose other than preventing unauthorized workers from obtaining employment.

“(K) PROTECTION AGAINST UNLAWFUL INTERCEPTION AND DATA BREACHES.—The Commissioner of Social Security and the Secretary shall protect against unauthorized disclosure of the information transferred between employers, the Commissioner, and the Secretary and between the Commissioner and the Secretary by requiring that all information transmitted be encrypted.

“(L) ROBUST COMPUTER SYSTEM AND SOFTWARE SECURITY.—The Commissioner of Social Security and the Secretary shall employ robust, state-of-the-art computer system and software security to prevent hacking of the System or the databases employed.

“(M) SYSTEM SECURITY TESTING.—

“(i) REQUIREMENT FOR TESTING.—The Commissioner of Social Security and the Secretary shall require periodic stress testing of the System to determine if the System contains any vulnerabilities to data loss or theft or improper use of data. Such testing shall occur not less often than prior to each phase-in expansion of the System.

“(ii) REQUIREMENT TO REPAIR VULNERABILITIES.—Any computer vulnerabilities identified under clause (i) or through any other process shall be resolved prior to initial implementation or any subsequent expansion of the System.

“(iii) REQUIREMENT TO UPDATE.—The Secretary shall regularly update the System to ensure that the data protections in the System remains consistent with the state-of-the-art for databases of similarly sensitive personally identifiable information.

“(N) PROHIBITION OF UNLAWFUL ACCESSING AND OBTAINING OF INFORMATION.—

“(i) IMPROPER ACCESS.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly access the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully accesses the System or the databases or shall be fined not less than \$1,000 for each individual whose file was compromised or sentenced to less than 6 months imprisonment for each individual whose file was compromised.

“(ii) IDENTITY THEFT.—It shall be unlawful for any individual, other than the government employees authorized in this subsection, to intentionally and knowingly obtain the information concerning an individual stored in the System or the databases utilized to verify identity or employment authorization for the System for any purpose other than verifying identity or employment authorization or modifying the System pursuant to law or regulation. Any individual who unlawfully obtains such information and uses it to commit identity theft for financial gain or to evade security or to assist another in gaining financially or evading security, shall be fined not less than \$10,000 for each individual whose information was obtained and misappropriated sentenced to not less than 1 year of imprisonment for each individual whose information was obtained and misappropriated.

“(O) OFFICE OF EMPLOYEE PRIVACY.—

“(i) ESTABLISHMENT.—The Commissioner of Social Security and the Secretary shall establish a joint Office of Employee Privacy that shall be empowered to protect the rights of employees subject to verification under the System.

“(ii) AUTHORITY TO INVESTIGATE.—The Office of Employee Privacy shall investigate alleged privacy violations concerning failure of the Commissioner or the Secretary to satisfy the requirements of subparagraphs (H) through (Q) of this paragraph and any data breaches that may occur pursuant to the implementation and operation of the System.

“(iii) AUTHORITY TO ISSUE SUBPOENAS.—The head of the Office of Employee Privacy may issue subpoenas for a document or a person to facilitate an investigation.

“(iv) ANNUAL REPORT TO CONGRESS.—The head of the Office of Employee Privacy shall submit to Congress an annual report concerning the operation of the System.

“(v) ANNUAL REPORT ON INCORRECT NOTICES.—The head of the Office of Employee Privacy shall, at least annually, study and issue findings concerning the most common causes of the incorrect issuance of nonconfirmation notices under the System. Such report shall include recommendations for preventing such incorrect notices.

“(vi) AVAILABILITY OF REPORTS.—The head of the Office of Employee Privacy shall make available to the public any report issued by the Office concerning findings of an investigation conducted by the Office.

“(vii) REQUIREMENT FOR HOTLINE.—The head of the Office of Employee Privacy shall establish a fully staffed 24-hour hotline to receive inquiries by employees concerning tentative nonconfirmations and final nonconfirmations and shall identify for employees, at the time of inquiry, the particularity data that resulted in the issuance of a nonconfirmation notice under the System.

“(viii) CERTIFICATION BY GAO.—The Secretary may not implement the System or any subsequent expansion or phase-in of the System unless the Comptroller General of the United States certifies that the Office of Employee Privacy has hired sufficient employees to answer employee inquiries and respond in real time concerning the particular data that resulted in the issuance of a nonconfirmation notice.

“(ix) TRAINING IN PRIVACY PROTECTION.—The head of the Office of Employee Privacy shall train any employee of the Social Security Administration or the Department of Homeland Security who implements or operates the System concerning the importance of and means of utilizing best practices for protecting employee privacy while utilizing and operating the System.

“(P) AUDITS OF DATA ACCURACY.—The Commissioner of Social Security and the Secretary shall randomly audit a substantial percentage of both citizens and work-eligible noncitizens files utilized to verify identity and authorization for the System each year to determine accuracy rates and shall require correction of errors in a timely fashion.

“(Q) EMPLOYEE RIGHT TO REVIEW SYSTEM INFORMATION AND APPEAL ERRONEOUS NONCONFIRMATIONS.—Any employee who contests a tentative nonconfirmation notice or final nonconfirmation notice may review and challenge the accuracy of the data elements and information in the System that resulted in the issuance of the nonconfirmation notice. Such a challenge may include the ability to submit additional information or appeal any final nonconfirmation notice to the Office of Employee Privacy. The head of the Office of Employee Privacy shall review any such information submitted pursuant to such a challenge and issue a response and decision concerning the appeal within 7 days of the filing of such a challenge.”.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Friday, March 31, 2006, at 10 a.m. to consider the nomination of Uttam Dhillon to be Director of the Office of Counternarcotics Enforcement at the U.S. Department of Homeland Security and, immediately following the hearing, to consider the nomination of Mark D. Acton to be Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on An Examination of the Call to Censure the President on Friday, March 31, 2006, at 9:30 a.m. in Room 226 of the Dirksen Senate Office Building.

### Witness List

Panel I: Robert F. Turner, Associate Director, Center for National Security Law, University of Virginia, Charlottesville, VA; Bruce Fein, Partner, Fein & Fein, Washington, DC; Lee Casey, Partner, Baker & Hostetler, Washington, DC; John Dean, White House Counsel to President Richard Nixon, Author, Worse than Watergate; John Schmidt, Partner, Mayer Brown Rowe Maw LLP, Chicago, IL.

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

## PRIVILEGE OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that the privilege of the floor be granted for the duration of the immigration debate to Susannah Prucka, a member of my staff on the Subcommittee on Immigration, Border Security and Citizenship.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 599, 603, and 604. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

## SMALL BUSINESS ADMINISTRATION

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

## DEPARTMENT OF JUSTICE

Sharee M. Freeman, of Virginia, to be Director, Community Relations Service, for a term of four years.

Jeffrey L. Sedgwick, of Massachusetts, to be Director of the Bureau of Justice Statistics.

# PROTOCOL AMENDING THE TAX CONVENTION WITH FRANCE

## TAX CONVENTION WITH BANGLADESH

### PROTOCOL AMENDING TAX CONVENTION ON INHERITANCES WITH FRANCE

### PROTOCOL AMENDING THE CONVENTION WITH SWEDEN ON TAXES ON INCOME

Mr. FRIST. I ask unanimous consent that the Senate proceed to consider the following treaties on today's Executive Calendar: Nos. 8, 9, 10, and 11; I further ask unanimous consent that the treaties be considered as having passed through their various parliamentary stages up to and including the presentation of the resolutions of ratification, that any statements be printed in the RECORD as if read, and that the Senate take one vote on the resolutions of ratification to be considered as separate votes; further that when the resolutions of ratification are voted upon, the motion to reconsider be laid upon the table, the President be notified of the Senate's action, and that following the disposition of the treaties, the Senate return to legislative session.

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

Mr. FRIST. Mr. President, I ask for a division vote on the resolutions of ratification.

The PRESIDING OFFICER. A division is requested. Senators in favor of the motion will rise and stand until counted.

Those opposed will rise and stand until counted.

In the opinion of the Chair, two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to en bloc.

The resolutions of ratification are as follows:

[Protocol Amending the Tax Convention with France (Treaty Doc. 109-4)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and France for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of August 31, 1994, signed at Washington on December 8, 2004 (Treaty Doc. 109-4).*

[Tax Convention with Bangladesh (Treaty Doc. 109-5)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of the Peoples Republic of Bangladesh for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Dhaka on September 26, 2004 (Treaty Doc. 109-5).*

[Protocol Amending Tax Convention on Inheritances with France (Treaty Doc. 109-7)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts of November 24, 1978, signed at Washington on December 8, 2004 (Treaty Doc. 109-7).*

[Protocol Amending the Convention with Sweden on Taxes on Income (Treaty Doc. 109-8)]

*Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Convention Between the United States of America and Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income of September 1, 1994, together with an Exchange of Notes, signed at Washington on September 30, 2005 (Treaty Doc. 109-8).*

### RECOGNIZING THE VICTIMS OF HURRICANE RITA IN LOUISIANA AND TEXAS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 416, which was submitted earlier today. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 416) recognizing the victims of Hurricane Rita 6 months after the disaster, commending the resiliency of the people of Southwest Louisiana and Southeast Texas, and committing to stand by them in their relief and rebuilding efforts.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 416) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 416

Whereas, on September 24, 2005, Hurricane Rita reached landfall causing extensive and significant damage along the Louisiana and extreme southeastern Texas coasts;

Whereas Hurricane Rita was named the fourth most intense Atlantic Hurricane ever recorded and the most intense tropical cyclone observed in the Gulf of Mexico;

Whereas the storm caused the loss of power in 700,000 homes in the State of Louisiana;

Whereas the total damage is estimated at \$9,400,000,000, making Hurricane Rita the ninth-costliest storm in the history of the United States;

Whereas the human suffering continues for thousands of people who have lost loved ones, homes, and livelihoods;

Whereas immediate humanitarian aid is still critically needed in many of the areas affected by Hurricane Rita;

Whereas Federal, State, and local first responders, the National Guard, and many ordinary citizens have risked their lives to save others;

Whereas the American Red Cross, the Salvation Army, local religious organizations, and other volunteer organizations and charities continue to supply victims with necessities;

Whereas the State of Texas and numerous other States have welcomed thousands of victims from Louisiana and continue to provide them with aid and comfort; and

Whereas thousands of volunteers and government employees from across the Nation have committed time and resources to help with recovery efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses the condolences of the Nation to the victims of Hurricane Rita;

(2) recognizes the 6-month anniversary of the disaster;

(3) commends the resiliency and courage of the people of the States of Louisiana and Texas; and

(4) commits to providing the necessary resources and to standing by the people of the States of Louisiana and Texas in the relief, recovery, and rebuilding efforts in the areas impacted by Hurricane Rita.

### HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 417, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 417) honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate is considering this Senate resolution, which I submitted with Senator DOLE and 23 additional co-sponsors.

This resolution honors the National Association of State Veterans Homes, NASVH, and its 119 State homes for their support in caring for our Nation's military veterans. The State veterans' home program has been a successful partnership between the Federal Government and the States. It is responsible for the bulk of VA-supported long-term care services to veterans and their families.

The NASVH was first established in 1954 as a volunteer, nonprofit organization. Now, 119 State homes provide nursing home care, domiciliary care, and hospital-type care to over 27,500 veterans in 47 States and Puerto Rico. My State of New Jersey has three Veterans Homes, which serve approximately 1,000 veterans.



The NASVH has been vitally important in developing new methods for caring for elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care.

The State veterans home program has been remarkably successful. This resolution recognizes the importance of this Federal-State partnership and honors the dedicated men and women of the National Association of State Veterans Homes for caring for our Nation's aging and disabled military heroes.

I served in the Army Signal Corps during World War II. Consequently, I am well aware of the sacrifices brave young men and women make on behalf of our country. It's important that our Nation honors its commitment to look after our veterans. That's where organizations like the NASVH come in and do their part. So it's appropriate to honor this group for its commitment to serving our veterans. I thank the Senate for adopting this resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 417) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 417

Whereas the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the executive branch;

Whereas the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in such homes;

Whereas the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

Whereas State veterans homes, which provide long-term care to thousands of veterans, were established initially in the States of Connecticut, Kansas, Ohio, and Maine in 1868 to house, feed, and care for thousands of homeless, wounded, and permanently scarred Union soldiers and thus have been in existence since before the establishment of the Department of Veterans Affairs, the earlier Veterans' Administration, and its predecessor agencies;

Whereas in 1888 Congress authorized the Federal payment of a daily allowance for the care of each former soldier or sailor in a State home-hospital, an allowance that continues today in the form of a per diem grant program administered by the Department of Veterans Affairs that is authorized to provide up to 50 percent of the average daily cost of care, but currently provides only approximately 30 percent;

Whereas the Department of Veterans Affairs further participates in the care of veterans in State homes with a matching grant program to support construction and major renovation projects to sustain those homes and build towards sufficient levels of available, high-quality health care;

Whereas State veterans homes offer long-term services to eligible veterans in need of such services on certification of the Department of Veterans Affairs at 119 facilities in 47 States and the Commonwealth of Puerto Rico;

Whereas the States determine the allocation of nursing home beds in individual State veterans home facilities, and establish the eligibility of veterans and their dependents to occupy those beds, following Federal guidelines;

Whereas within the limits of their capacities, State veterans homes provide care for more than 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership;

Whereas State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs;

Whereas the number of elderly veterans, particularly those over age 85, continues to rise, and the need for long-term care services for those veterans will continue to rise in the coming years; and

Whereas the Nation's State veterans homes continue to achieve their purpose of improving and sustaining the health of elderly, sick, and severely disabled veterans by assuring access to affordable nursing care in settings that provide personal dignity to truly deserving veterans, often at the end of lives spent in service to the Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their significant contributions to the health care of veterans and to the health care system of the Nation;

(2) commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;

(3) recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and

(4) affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation's veterans for institutional long-term care services.

#### WEEK OF THE YOUNG CHILD

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 418, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 418) designating the week April 2, 2006, as "Week of the Young Child."

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 418) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 418

Whereas there are 20,000,000 children under the age of 5 in the United States;

Whereas numerous studies, including the Abecedarian Study, the Study of the Chicago Child-Parent Center, and the High/Scope Perry Preschool Study, indicate that low-income children who have enrolled in quality, comprehensive early childhood education programs—

(1) improve their cognitive, language, physical, social, and emotional development; and

(2) are less likely to—

(A) be placed in special education;

(B) drop out of school; or

(C) engage in juvenile delinquency;

Whereas the enrollment rates of children under the age of 5 in early childhood education programs have steadily increased since 1965 with—

(1) the creation of the Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(2) the establishment of the Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.); and

(3) the enactment of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

Whereas many children eligible for, and in need of, quality early childhood education services are not served due to inadequate funding;

Whereas over 4,000,000 children under the age of 5 live in poverty;

Whereas only about 1/2 of all preschoolers who are eligible to participate in Head Start programs have the opportunity to do so, and even fewer eligible babies and toddlers receive the opportunity to participate in Early Head Start;

Whereas only about 1 out of every 7 eligible children receives an amount of child care assistance sufficient to—

(1) enable the parents of the child to continue working; and

(2) provide the child with safe and nurturing early childhood care and education;

Whereas, although State and local governments have responded to the numerous benefits of early childhood education by making significant investments in programs and classrooms, there remains—

(1) a large unmet need for those services; and

(2) a need to improve the quality of those programs; and

Whereas, according to numerous studies on the impact of investments in high-quality early childhood education, the programs yield to the public a return of 4 dollars to 13 dollars for each dollar invested: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning April 2, 2006, as "Week of the Young Child";

(2) encourages the citizens of the United States to celebrate—

(A) young children; and

(B) the citizens who provide care and early childhood education to the young children of the United States; and

(3) urges the citizens of the United States to recognize the importance of—

(A) quality, comprehensive early childhood education programs; and

(B) the value of those services for preparing children to—

(i) appreciate future educational experiences; and

(ii) enjoy lifelong success.

---

#### ORDERS FOR MONDAY, APRIL 3, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, April 3. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2454, the border security bill, with the time until 5:30 p.m. being equally divided between the chairman and ranking member or their designees.

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

---

#### PROGRAM

Mr. FRIST. Mr. President, on Monday, the Senate will resume consideration of the border security bill. Last night, Senator ALEXANDER offered his widely supported Strengthening American Citizenship Act. This legislation is

reasonable, it is patriotic, and it will help newly arrived immigrants learn the responsibilities, the habits, and the privileges of American citizenship.

I had hoped that today we would have locked in a vote on that amendment and the Bingaman amendment for Monday. Unfortunately, the other side objected to allowing a vote on the Alexander amendment. I mention that only because it leaves me concerned that the other side may be falling into this pattern of delay and obstruction.

As I said and implied in all of my statements since we have started on this bill, we need to proceed in a civil way, a dignified way, and consider these amendments as soon as they are ready. I would encourage all of our colleagues to work aggressively to help bring this bill to closure over the next several days. We are right where I thought we would be in terms of finishing this bill, but it does mean that we are going to have to work together, come together and address substantive amendments in a substantive way and vote on those.

In closing—and I will close in a few seconds—if we don't come together, it means that we are not going to fulfill our responsibility to address these very important issues of border security, of the 11 million to 12 million people who are in this country under the temporary worker program that is being considered. We absolutely must have substantive debate and discussion that respects that we are a nation of the

rule of law and a proud nation of immigrants, legal immigrants who have come to this country to work and contribute so much to our society.

So I hope that we will get back on track on Monday. We will be voting Monday afternoon at approximately 5:30. We will try to get a unanimous consent for votes on the pending amendments, and Members should expect at least two votes Monday evening.

---

#### ADJOURNMENT UNTIL MONDAY, APRIL 3, 2006 AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:17 p.m., adjourned until Monday, April 3, 2006, at 2 p.m.

---

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Friday, March 31, 2006:

##### SMALL BUSINESS ADMINISTRATION

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION.

##### DEPARTMENT OF JUSTICE

SHAREE M. FREEMAN, OF VIRGINIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

JEFFREY L. SEDGWICK, OF MASSACHUSETTS, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS.