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Senate

The Senate met at 8:30 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.

Sovereign Lord, we magnify Your Name. Your fairness is intertwined with everything You do. You possess absolute purity, holiness, and justice.

Bless the Members of this legislative body. Encourage them when courage fails, and comfort them when comfort flees. Lift them when they fall, and set their feet on the path of Your providence. Give them new hope when they feel hopeless, and lighten the darkness when they feel despair.

We pray for those who mourn, particularly the families of former Senators Hecht and Bentsen.

We pray in Your loving 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, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning we are getting an early start, and we will shortly resume debate on the immigration bill. In just a moment, I will offer an amendment relating to photo identifications. The time until 9:30 a.m. will be equally divided for debate on that amendment. At 9:30, we will proceed to a rollcall vote on the McConnell amendment. That vote will be followed by a vote on invoking cloture on the comprehensive immigration bill. Following that cloture vote, the Senate will recess to attend a joint meeting with the House to hear an address by the Prime Minister of Israel.

Obviously, we expect another full day considering immigration-related amendments, and we will have rollcalls periodically all day.

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

Mr. MCCONNELL. Mr. President, this is an important coal mine safety bill which has been cleared on both sides of the aisle.

I commend Senator KENNEDY and Senator ENZI for their extraordinary effort in putting this measure together on a broad bipartisan basis. As I indicated, it has been cleared on both sides of the aisle. It is time to pass this measure and hope that the House will act in short order.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 439, S. 2803.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2803) to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Mine Improvement and New Emergency Response Act of 2006'' or the ''MINER Act''.

SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: ''AND EMERGENCY RESPONSE PLANS'';

(2) by striking ''Telephone'' and inserting ''(a) IN GENERAL.—Telephone''; and

(3) by adding at the end the following:

''(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

''(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

''(2) RESPONSE AND PREPAREDNESS PLAN.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

''(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

''(i) provide for the evacuation of all individuals endangered by an emergency; and

''(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

''(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

''(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

''(ii) reflect the most recent credible scientific research;

''(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

''(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

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

''(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

''(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

''(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

''(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

''(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

''(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

''(II) in addition to the 2 hours of breathable air per miner required by law under the emergency temporary standard as of the day before the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, caches of self-rescuers providing in the aggregate not less than 2 hours per miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

''(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

''(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

''(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

''(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.

''(F) PLAN CONTENT-SPECIFIC REQUIREMENTS.—

''(i) IN GENERAL.—In addition to the content requirements contained in subparagraph (E), and subject to the considerations contained in subparagraph (C), the Secretary may make additional plan requirements with respect to any of the content matters.

''(ii) POST ACCIDENT COMMUNICATIONS.—Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator's alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

''(G) PLAN DISPUTE RESOLUTION.—

''(i) IN GENERAL.—Any dispute between the Secretary and an operator with respect to the content of the operator's plan or any refusal by the Secretary to approve such a plan shall be resolved on an expedited basis.

''(ii) DISPUTES.—In the event of a dispute or refusal described in clause (i), the Secretary shall issue a citation which shall be immediately referred to a Commission Administrative Law Judge. The Secretary and the operator shall submit all relevant material regarding the dispute to the Administrative Law Judge within 15 days of the date of the referral. The Administrative Law Judge shall render his or her decision with respect to the plan content dispute within 15 days of the receipt of the submission.

''(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

''(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.''.

SEC. 3. INCIDENT COMMAND AND CONTROL.

Title I of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811 et seq.) is amended by adding at the end the following:

''SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

''(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sustained as a result of carrying out activities relating to mine accident rescue or recovery operations. This subsection shall not apply where the action that is alleged to result in the property damages or injury (or death) was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer (as such term is used in this Act) is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers' compensation laws.

''(b) COVERED INDIVIDUAL.—For purposes of subsection (a), the term 'covered individual' means an individual—

''(1) who is a member of a mine rescue team or who is otherwise a volunteer with respect to a mine accident; and

''(2) who is carrying out activities relating to mine accident rescue or recovery operations.

''(c) REGULAR EMPLOYER.—For purposes of subsection (a), the term 'regular employer' means the entity that is the covered employee's legal or statutory employer pursuant to applicable State law.''.

SEC. 4. MINE RESCUE TEAMS.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)) is amended—

(1) by inserting ''(1)'' after the subsection designation; and

(2) by adding at the end the following:

''(2)(A) The Secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect not later than 18 months after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

''(B) Such regulations shall provide for the following:

''(i) That such regulations shall not be construed to waive operator training requirements applicable to existing mine rescue teams.

''(ii) That the Mine Safety and Health Administration shall establish, and update every 5 years thereafter, criteria to certify the qualifications of mine rescue teams.

''(iii)(I) That the operator of each underground coal mine with more than 36 employees—

''(aa) have an employee knowledgeable in mine emergency response who is employed at the mine on each shift at each underground mine; and

''(bb) make available two certified mine rescue teams whose members—

''(AA) are familiar with the operations of such coal mine;

''(BB) participate at least annually in two local mine rescue contests;

''(CC) participate at least annually in mine rescue training at the underground coal mine covered by the mine rescue team; and

''(DD) are available at the mine within one hour ground travel time from the mine rescue station.

''(II)(aa) For the purpose of complying with subclause (I), an operator shall employ one team that is either an individual mine site mine rescue team or a composite team as provided for in item (bb)(BB).

''(bb) The following options may be used by an operator to comply with the requirements of item (aa):

''(AA) An individual mine-site mine rescue team.

''(BB) A multi-employer composite team that is made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine—

''(aaa) which provides coverage for multiple operators that have team members which include at least two active employees from each of the covered mines;

''(bbb) which provides coverage for multiple mines owned by the same operator which members include at least two active employees from each mine; or

''(ccc) which is a State-sponsored mine rescue team comprised of at least two active employees from each of the covered mines.

''(CC) A commercial mine rescue team provided by contract through a third-party vendor or mine rescue team provided by another coal company, if such team—

''(aaa) trains on a quarterly basis at covered underground coal mines;

''(bbb) is knowledgeable about the operations and ventilation of the covered mines; and

''(ccc) is comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.

''(DD) A State-sponsored team made up of State employees.

''(iv) That the operator of each underground coal mine with 36 or less employees shall—

''(I) have an employee on each shift who is knowledgeable in mine emergency responses; and

''(II) make available two certified mine rescue teams whose members—

''(aa) are familiar with the operations of such coal mine;

''(bb) participate at least annually in two local mine rescue contests;

''(cc) participate at least semi-annually in mine rescue training at the underground coal mine covered by the mine rescue team;

''(dd) are available at the mine within one hour ground travel time from the mine rescue station;

''(ee) are knowledgeable about the operations and ventilation of the covered mines; and

''(ff) are comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.''.

SEC. 5. PROMPT INCIDENT NOTIFICATION.

(a) IN GENERAL.—Section 103(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813(j)) is amended by inserting after the first sentence the following: ''For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.''.

(b) PENALTY.—Section 110(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(a)) is amended—

(1) by striking ''The operator'' and inserting ''(1) The operator''; and

(2) by adding at the end the following:

''(2) The operator of a coal or other mine who fails to provide timely notification to the Secretary as required under section 103(j) (relating to the 15 minute requirement) shall be assessed a civil penalty by the Secretary of not less than $5,000 and not more than $60,000.''.

SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

(a) GRANTS.—Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end the following:

''(h) OFFICE OF MINE SAFETY AND HEALTH.—

''(1) IN GENERAL.—There shall be permanently established within the Institute an Office of Mine Safety and Health which shall be administered by an Associate Director to be appointed by the Director.

''(2) PURPOSE.—The purpose of the Office is to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.

''(3) FUNCTIONS.—In addition to all purposes and authorities provided for under this section, the Office of Mine Safety and Health shall be responsible for research, development, and testing of new technologies and equipment designed to enhance mine safety and health. To carry out such functions the Director of the Institute, acting through the Office, shall have the authority to—

''(A) award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment;

''(B) award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment; and

''(C) establish an interagency working group as provided for in paragraph (5).

''(4) GRANT AUTHORITY.—To be eligible to receive a grant under the authority provided for under paragraph (3)(A), an entity or institution shall—

''(A) submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

''(B) include in the application under subparagraph (A), a description of the mine safety equipment to be developed and manufactured under the grant and a description of the reasons that such equipment would otherwise not be developed or manufactured, including reasons relating to the limited potential commercial market for such equipment.

''(5) INTERAGENCY WORKING GROUP.—

''(A) ESTABLISHMENT.—The Director of the Institute, in carrying out paragraph (3)(D) shall establish an interagency working group to share technology and technological research and developments that could be utilized to enhance mine safety and accident response.

''(B) MEMBERSHIP.—The working group under subparagraph (A) shall be chaired by the Associate Director of the Office who shall appoint the members of the working group, which may include representatives of other Federal agencies or departments as determined appropriate by the Associate Director.

''(C) DUTIES.—The working group under subparagraph (A) shall conduct an evaluation of research conducted by, and the technological developments of, agencies and departments who are represented on the working group that may have applicability to mine safety and accident response and make recommendations to the Director for the further development and eventual implementation of such technology.

''(6) ANNUAL REPORT.—Not later than 1 year after the establishment of the Office under this subsection, and annually thereafter, the Director of the Institute shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that, with respect to the year involved, describes the new mine safety technologies and equipment that have been studied, tested, and certified for use, and with respect to those instances of technologies and equipment that have been considered but not yet certified for use, the reasons therefore.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to enable the Institute and the Office of Mine Safety and Health to carry out this subsection.''.

SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.

The Secretary of Labor shall establish a policy that—

(1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine tragedies involving multiple deaths;

(2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents; and

(3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator with the operator, miners' families, the press and the public.

SEC. 8. PENALTIES.

(a) IN GENERAL.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) in subsection (a)—

(A) by inserting ''(1)'' after the subsection designation; and

(B) by adding at the end the following:

''(2) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under paragraph (1) or section 105(c), shall, upon conviction, be punished by a fine of not more than $250,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than $500,000, or by imprisonment for not more than five years, or both.

''(3)(A) The minimum penalty for any citation or order issued under section 104(d)(1) shall be $2,000.

''(B) The minimum penalty for any order issued under section 104(d)(2) shall be $4,000.

''(4) Nothing in this subsection shall be construed to prevent an operator from obtaining a review, in accordance with section 106, of an order imposing a penalty described in this subsection. If a court, in making such review, sustains the order, the court shall apply at least the minimum penalties required under this subsection.''; and

(2) by adding at the end of subsection (b) the following: ''Violations under this section that are deemed to be flagrant may be assessed a civil penalty of not more than $220,000. For purposes of the preceding sentence, the term 'flagrant' with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.''.

(b) REGULATIONS.—Not later than December 30, 2006, the Secretary of Labor shall promulgate final regulations with respect to penalties.

SEC. 9. FINE COLLECTIONS.

Section 108(a)(1)(A) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended by inserting before the comma, the following: '', or fails or refuses to comply with any order or decision, including a civil penalty assessment order, that is issued under this Act''.

SEC. 10. SEALING OF ABANDONED AREAS.

Not later than 18 months after the issuance by the Mine Safety and Health Administration of a final report on the Sago Mine accident or the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, whichever occurs earlier, the Secretary of Labor shall finalize mandatory heath and safety standards relating to the sealing of abandoned areas in underground coal mines. Such health and safety standards shall provide for an increase in the 20 psi standard currently set forth in section 75.335(a)(2) of title 30, Code of Federal Regulations.

SEC. 11. TECHNICAL STUDY PANEL.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.) is amended by adding at the end the following:

''SEC. 514. TECHNICAL STUDY PANEL.

''(a) ESTABLISHMENT.—There is established a Technical Study Panel (referred to in this section as the 'Panel') which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(b) MEMBERSHIP.—The Panel shall be composed of—

''(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

''(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

''(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

''(c) QUALIFICATIONS.—Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of

any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

''(d) REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

''(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

''(e) COMPENSATION.—Members appointed to the panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.''.

SEC. 12. SCHOLARSHIPS.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.), as amended by section 11, is further amended by adding at the end the following:

''SEC. 515. SCHOLARSHIPS.

''(a) ESTABLISHMENT.—The Secretary of Education (referred to in this section as the 'Secretary'), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

''(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate's degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

''(2) SKILLS.—The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 2 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) demonstrate an interest in working in the field of mining and performing an internship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

''(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a high school diploma or a GED;

''(B) have at least 5 years experience in full-time employment in mining or mining-related activities;

''(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

''(D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

''(d) ADVANCED RESEARCH SCHOLARSHIPS.—

''(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

''(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

''(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

''(A) have a bachelor's degree or equivalent from an accredited 4-year institution;

''(B) have at least 5 years experience in full-time employment in underground mining or mining-related activities; and

''(C) submit to the Secretary an application at such time, in such manner, and containing such information.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.

(a) IN GENERAL.—The National Institute of Occupational Safety and Health shall provide for the conduct of research, including field tests, concerning the utility, practicality, survivability, and cost of various refuge alternatives in an underground coal mine environment, including commercially-available portable refuge chambers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the results of the research conducted under subsection (a), including any field tests.

(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

SEC. 14. BROOKWOOD-SAGO MINE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants, to carry out the purposes of this section.

(b) PURPOSES.—It is the purpose of this section, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a public or private nonprofit entity; and

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) AWARDING OF GRANTS.—

(1) ANNUAL BASIS.—Grants under this section shall be awarded on an annual basis.

(2) SPECIAL EMPHASIS.—In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) PRIORITY.—In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

(f) EVALUATION.—The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

• Mr. ENZI. Mr. President, I rise today to voice my support for the Mine Improvement and New Emergency Response Act of 2006. This legislation, The MINER Act, represents the most comprehensive overhaul of our Nation's mine safety laws in a generation.

S. 2803, was unanimously reported out last week by the Committee on Health, Education, Labor, and Pensions. It is the product of a truly bipartisan effort undertaken with the single goal of improving the safety of our Nation's miners. I would like to thank Senator KENNEDY, the ranking member of the HELP Committee, Senators ISAKSON and MURRAY, the chair and ranking member of the Subcommittee on Employment and Workplace Safety; and Senators BYRD and ROCKEFELLER of West Virginia for their long and tireless efforts in fashioning this legislation. I would also like to express my

thanks to Senators DEWINE, SANTORUM, SPECTER, MCCONNELL, and BUNNING for their cosponsorship of this legislation.

This year we have witnessed a series of tragic losses in the coal mining community. The year began with the deadly accidents at the Sago and Alma mines in West Virginia. It continued this weekend with the deaths of five miners in a coal mine explosion in eastern Kentucky. Nothing we can do here can bring back those whose lives have been lost. We can, however, best honor those who have lost their lives by making such accidents less likely in the future, and making it more likely that miners will survive such accidents when they do occur. That is the aim of the MINER Act.

The MINER Act would require that coal mines develop and continuously update emergency response and preparedness plans that are designed to make mining accidents more survivable. These plans will incorporate technological advances designed to enhance surface to underground communication, to aid in the location of underground personnel, and to provide additional breathable air for miners that are trapped underground. The legislation codifies the requirements for mine rescue teams, affords protections for these heroic volunteers, and ensures that they, and other necessary Federal resources, will be promptly called upon when an emergency occurs.

The bill further recognizes that the development of mine safety technology, and the education and training of all those who work in the industry are vital elements in the effort to improve mine safety. Thus, the legislation enhances the mine safety research and development efforts of the National Institute of Occupational Safety and Health. It encourages private sector technology development, and speeds the approval of new equipment. It also provides a mechanism for sharing technical research and development among Federal agencies. The bill will also provide grants for additional safety training, and scholarship funds for mine safety related education.

In addition, the legislation recognizes the fact that despite the tragedies of this year, the safety record in the mining industry has been a good one that continues to improve. This has been due to the concerted efforts of State and Federal regulators, mine employees, and mine operators, the vast majority of whom are serious and steadfast in meeting their workplace safety responsibilities. However, there are a few operators that fall outside the mold; thus, the legislation contains enhanced penalty provisions targeted at these few ''bad actors.''

Those who work in our Nation's mines play a vital role in our country's economic well-being and energy security. They deserve our best efforts to provide for their protection as they perform their often dangerous work. I believe that the MINER Act does make major safety improvements that will better protect miners both today and in years to come.●

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for just 2 minutes on this issue.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I welcome the fact that the Senator from Kentucky has advanced this issue this morning and ensured that the legislation was going to be passed. I wish to pay tribute to my chairman, Senator ENZI. Within hours of the Sago mine disaster, he notified our committee that we would go as a committee down to visit the Sago mine. We spent hours with the families of Sago, came back immediately, had an informal hearing to get early reactions and responses about things that could be done immediately, and then structured a whole series of hearings. We had very extensive markups on those hearings.

This legislation has the strong support of the families and the strong support of the mine workers. I think it is a very clear indication that this Senate gives the highest possible priority to the workers and their families and safety and security.

We believe strongly that we should be tireless in pursuing new technologies which will provide additional kinds of safety and security to these miners. That process is outlined in the legislation. But this is a very clear message to the families that they are perhaps in the most dangerous undertaking which is absolutely essential in providing energy for our country. These are extraordinarily heroic men and women who work the mines. This Senate has responded, and we will respond to ensure to the extent legislatively we can that they will have safe and secure jobs.

I thank the Senator. I am grateful for the leadership of Senator ENZI.

Finally, during all of this period, we have been fortunate to have the tireless leadership of Senator ROBERT BYRD and JAY ROCKEFELLER. JAY ROCKEFELLER is recovering from a difficult operation, but he has been in constant touch with me and members of the committee and is following this legislation. Senator BYRD appeared before our committee, sat through the hearings, and has been instrumental in terms of developing the legislation and pressing and pushing us forward to make sure it is achieved.

I thank the Senator.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. ROCKEFELLER. Mr. President, it is my great pleasure to commend my colleagues for their quick action today in taking up and passing S. 2803, the Mine Improvement and Emergency Response Act, or the MINER Act, of 2006.

In passing this important legislation, the Senate has set the stage for the most dramatic improvement in coal mine safety in a generation. Before we can celebrate significant improvements in our mine safety laws, we must encourage our colleagues in the House to act as quickly as they can to pass mine safety legislation so that it can be sent to the President for his signature.

The recent mining deaths in the Commonwealth of Kentucky—five over the weekend and one yesterday—lend further credence to the truism that mine safety laws are written in the blood of coal miners. We began this year with the tragic deaths of 12 men at Sago mine in Upshur County, WV. Before we could even comprehend that immense loss, two more West Virginia miners lost their lives at the Alma mine in Logan County. These men—and miners who paid the ultimate price this year in West Virginia's Longbranch No. 18, Black Castle, Candice No. 2, and Jacob No. 1 mines, as well as at mines in Kentucky, Utah, Alabama, and Maryland—went to work each day knowing full well that mining is inherently dangerous.

The miners who died knew—and the miners who still go to work each day understand—the risks they face in fueling the American economy and providing better lives for their families. We can do nothing that adequately honors our fallen miners, but we can give the families who continue to send their loved ones to work underground a better chance of seeing their miners come home safely at shift's end.

The MINER Act will bring into the mines new technology to help trapped miners breathe after an accident and enable them to get out or wait to be rescued. It will introduce new communications equipment into mines to allow miners underground to benefit from information known to those at the surface that could save their lives. This legislation will make it more certain that, if there is an accident, highly trained mine rescue teams are available and familiar with the mines where they will called upon to save lives. It does not include every technology that I believe could be important to safeguarding miners as they do their work, but it is still groundbreaking legislation that addresses mine safety problems for the first time in a generation.

We could not have done this without the dedication and integrity of the distinguished chairman and ranking member of the Senate HELP Committee, MIKE ENZI and TED KENNEDY. Their understanding of the absolute necessity of tackling this issue made this legislation possible. I want to especially also thank Senators JOHNNY ISAKSON, PATTY MURRAY, and my colleague and Senior Senator, ROBERT C. BYRD. In the

several months since Sago and Alma became places all Americans know, the persistence of these Senators has been crucial in moving this legislation forward. We can only hope that this bill will prevent future tragedies that could make other coal communities into household words.●

Mr. KENNEDY. I am pleased that the Senate has passed the Mine Improvement and New Emergency Response Act today, and I commend Chairman ENZI, Senator ISAKSON, and Senator MURRAY for their dedication in pursuing these safety protections. I also commend Senator BYRD and Senator ROCKEFELLER, who have been tireless in insisting on improvements in mine safety. This bill is the most significant improvement in mine safety by Congress in a generation.

Today's action was clearly necessary. The year began with the shocking tragedies at the Sago and Alma mines in West Virginia, where 14 coal miners were killed. Tragedy struck again last weekend in Kentucky, where five coal miners were killed at the Darby mine in Harlan County.

We will learn more in the weeks ahead from the ongoing investigations of these disasters. But many lessons are already painfully clear. The miners who died could have survived with adequate oxygen. But, their self-rescue units didn't work, and they had to share precious oxygen with each other.

They also had no realistic way to let rescuers outside know where they were. At Sago, they resorted to banging on pipes with sledge hammers, wasting precious energy and oxygen. This should never have happened and we need to be sure that it doesn't happen again.

The bill requires every company to have a comprehensive emergency response plan, so that companies and miners will know ahead of time how to respond. The bill sets stronger minimum safety standards for oxygen supplies, communications, tracking, lifelines, and training, and also requires companies to continuously reevaluate the safety of their mines. They must adapt their safety response plans to changes in their mining operations and advances in mine safety technology. Safety must no longer be a topic that companies address only in the wake of a disaster or a government directive. Plans to improve safety must be an enforceable day-to-day obligation of every mining operation.

As we saw at Sago and Darby, the time to determine whether a mine's oxygen supply is reliable can't just be after a tragedy. To address the recurring problems with oxygen supplies, the bill requires companies to provide at least two hours of oxygen for every miner, plus additional oxygen along evacuation routes and for trapped miners awaiting rescue. Companies will be required to inspect and replace these units regularly, so that no miner has an oxygen pack that doesn't work.

All mines will be required to have back-up telephone lines immediately available, and to adopt two-way wireless communications and electronic tracking systems as soon as possible. They will also have to install fire-resistant lifelines, to show miners to the best way out in an emergency.

One of the most moving aspects of the Sago and Alma response was the outpouring of support from other miners around the country. They wanted to do everything they could to rescue their brothers and sisters trapped underground. This bill guarantees that every mine in the country will have a person on staff who knows the mine and is trained in emergency response. It strengthens requirements for training mine rescue teams. The teams will practice in the mines they monitor, so that the first time they go into a mine will not be during an emergency.

The bill also reduces the time required for a rescue team to reach a mine to one hour from the current two hours. By providing good Samaritan-type liability protection for mine rescue team members and their regular employers, this bill will encourage more miners to participate in mine rescue teams and more employers to support them.

Even if we don't know why the seal at Sago failed, we know that it did. The initial reports from Darby suggest that a seal also failed there. We don't need another tragedy caused by a failed seal to know that the standard for seals must be improved. Our standards for these protective barriers lag far behind other developed nations. That is why this bill requires the Mine Safety and Health Administration to issue a new regulation in 18 months to improve these standards.

We also need greater incentives to prevent accidents from happening. Too many mining companies have been paying fines that cost less than parking tickets. Under this bill, companies can no longer treat violations of health and safety laws as a cost of doing business. We impose substantial new minimum penalties on companies that put miners at risk and do not take their obligation seriously to provide a safe workplace. These new penalties escalate when companies continue to ignore their safety obligations. The bill also makes clear that MSHA has the authority to shut down a mine that refuses to pay its fines.

Research is an important part of safety. The Navy has technologies to communicate with submarines on the bottom of the ocean. NASA can talk to people on the Moon. It is time to bring mine safety technology into the 21st century too. Our bill creates an interagency task force so that NIOSH will have the benefit of the advances made by other industries and agencies. It also creates two competitive grant programs: one to encourage the development and manufacture of mine safety equipment that the private sector might not otherwise find economically viable, and another to educate and train employers and miners to better identify, avoid, and prevent unsafe working conditions.

This bill is an important step in strengthening the response to mine emergencies. But there is more to be done. We have seen miners in other countries survive because of requirements that their mines have refuge chambers. Our bill requires MSHA and NIOSH to test refuge chambers to see if they should be used here to protect miners in a fire or explosion. It also addresses safety issues raised by ventilating mines with belt air, particularly the problem of fires on mine conveyor belts. The bill requires the Secretary of Labor to report to us on these problems, and I commend Senator ENZI and Senator ISAKSON for agreeing to work together and to hold hearings on these critical issues in the future.

We can't bring back the brave miners who have died this year. Today, however, we honor their memory by passing this legislation and we will honor them even more by following through to see that it is implemented as effectively as possible to make our mines safer.

The PRESIDENT pro tempore. Is there any further debate?

Without objection, the unanimous consent request is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2803), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MCCONNELL. Mr. President, I have one further observation on the measure which we just passed.

I again congratulate the Senator from Massachusetts and Chairman ENZI for this important piece of legislation. This has been a tough few years in coal country—in Pennsylvania, West Virginia, and in Kentucky. As everyone knows, we just lost five miners last weekend. This legislation couldn't be more timely.

Again, I congratulate those on both sides of the aisle who made an important contribution to move this legislation out of the Senate and over to the House.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Comprehensive Immigration Reform Act of 2006, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the time until 9:30 will be equally divided between the Senator from Kentucky, Mr. MCCONNELL, and the Senator from Nevada, Mr. REID, or their designees.

AMENDMENT NO. 4085

Mr. MCCONNELL. Mr. President, I call up amendment No. 4085.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 4085.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To implement the recommendation of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all United States citizens from ballots being cast illegally by non-United States citizens)

At the appropriate place, insert the following:

SEC. _____. IDENTIFICATION REQUIREMENTS.

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

''(8) An indication of whether the person is a United States citizen.''.

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

''SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

''(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

''(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.''.

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking ''and 303'' and inserting ''303, and 304''.

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

''PART 7—PHOTO IDENTIFICATION

''SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

''(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

''(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

''(1) a statement that the State intends to comply with the requirements of section 304; and

''(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

''(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

''(d) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

''(A) the total amount appropriated for payments under this part for the year under section 298; and

''(B) an amount equal to—

''(i) the voting age population of the State (as reported in the most recent decennial census); divided by

''(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

''SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

''(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.''.

Mr. MCCONNELL. Mr. President, throughout this debate on immigration, we have been discussing what to do about illegal immigrants in the country today and what to do about those who will illegally pass our borders every day in the future. We have heard very valid concerns, which I share with my colleagues, about how best to deal with the security of the Nation. The number of illegal immigrants who currently reside in the United States has been estimated, as we all know, to be about 12 million people.

I rise today to express another area of concern which has not yet been addressed by the amendments thus far—that is voting. The U.S. Constitution secures the voting franchise only for citizens of our country. As close elections in the past have made abundantly clear, we must make certain that each vote is legally cast and counted. Imagine the impact of 12 million potentially illegal registered voters.

This problem was recently tackled by a bipartisan commission on election reform, which was chaired by former President Jimmy Carter and former Secretary of State James Baker. This was referred to as the Carter-Baker commission, named after these two American leaders.

They recognized that clean lists are key, but even more importantly they note that ''election officials still need to make sure that the person arriving at the polling site is the same one that is named on the registration list.'' They note that ''Photo IDs currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important.'' Again, those are the words of Jimmy Carter, James Baker, and their bipartisan commission.

Moreover, we not only need to ensure that those voting are those on the rolls but also that they are legally entitled to vote. As we said when we passed the Help America Vote Act a few years ago, on which I was proud to be the lead Republican, along with my good friend from Missouri, Senator BOND, and Senator DODD, who was chairman of the Rules Committee at the time, the leader on the Democratic side, we want everyone who is legally entitled to vote to be able to vote and have that vote counted but to do so only once. In short, we wanted to make it easier to vote and harder to cheat. The key is to ensure that everyone who votes is legally entitled to do so.

The Carter-Baker commission's recommendations on voter identification are, first, to ensure that persons presenting themselves at the polling places are the ones on the registration list.

The commission recommends that States require voters to use the REAL ID card which was mandated in a law and signed by the President in May of 2005, just a year ago. The card includes a person's full name, date of birth, a signature captured as a digital image, a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an Election Assistance Commission template identification with a photo to nondrivers free of charge.

Second, the commission said the right to vote is a vital component of U.S. citizenship, and all States should use their best efforts to obtain proof of citizenship before registering voters.

That is precisely what my amendment does—implements the recommendations of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Further, for those who cannot afford an identification, I have included a grant program within this amendment to make identifications available free of charge.

Former mayor of Atlanta, Andrew Young, supported the free photo identification as a way to empower minorities and believes, in an era where people have to show identification to rent a video or cash a check, requiring an identification can help poor people who otherwise might be even more marginalized by not having such a photo identification.

This is an issue which an overwhelming majority of Americans support. An April 2006 NBC-Wall Street Journal poll asked for reaction to requiring voters to produce a valid photo identification when they go to vote.

Only 7 percent of Americans oppose requiring photo identification at the polls; 62 percent of Americans strongly favor requiring photo identification at the polls; 19 percent of Americans mildly favor photo identification at the polls; 12 percent are neutral; only 3 percent of Americans mildly oppose requiring photo identification at the

polls; only 4 percent strongly oppose. So collapsing those numbers as we frequently do with polls, 81 percent of Americans favor photo identification at the polls, across the philosophical spectrum in our country.

As the chart indicates, only 7 percent are opposed. Not only is the Carter-Baker commission on record as supporting photo identification at the polls, the American people are overwhelmingly on the side of photo identification at the polls.

There have also, interestingly enough, been some State-based polls conducted which concur that Americans overwhelmingly support requiring photo identification at the polls. In Wisconsin, 69 percent favor requiring photo identification at the polls. In Washington State, 87 percent favor requiring photo identification at the polls. In Pennsylvania, 82 percent favor requiring photo identification at the polls. In Missouri, 89 percent favor requiring photo identification at the polls.

The numbers make it clear the vast majority of Americans support requiring photo identification at the polls. Why wouldn't they? As John Fund pointed out in his piece in the Wall Street Journal a couple of days ago, entitled ''Jimmy Carter is Right, Amend the Immigration Bill to Require Voters to Show ID'':

Almost everyone needs a photo ID in today's modern world.

You need photo identification to drive a car, fly a plane, get a gun, catch a fish, open a bank account, cash a check, enter a Federal and some State buildings, and the list goes on and on.

This is not a new concept. Twenty-four States already require some kind of photo identification at the polls. Further, thanks to the Help America Vote Act, photo identification at the polls is required by those who register to vote by mail and don't provide the appropriate information at registration.

Some may ask, if States are doing it, why should the Federal Government get involved? I associate myself with the answer to this question given by Jimmy Carter and James Baker. Here is what they had to say about whether we should simply leave this up to the States:

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommend a standard for the entire country, Real ID Card.

I urge my colleagues to consider whether the protection of each and every American's franchise, a right at the very core of our democracy, is important enough to accord it equal treatment to getting a library card or joining Sam's Club. Last I checked, the constitutional right to rent a movie or buy motor oil in bulk was conspicuously absent. However, the Constitution is replete, as is the United States Code, with protections of the franchise for all Americans.

I will have three articles printed in the RECORD, but I will take a couple of minutes to highlight some of the very important points raised in these articles.

The first article, entitled ''Jimmy Carter Is Right, Amend the immigration bill to require voters to show ID'' appeared Monday in the Opinion Journal written by John Fund in which he notes:

Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, ''requiring ID can help poor people who otherwise might be even more marginalized by not having one.

Mr. Fund goes on to note:

The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons.

This amendment does just that, provides grants to States so that anyone who wants an ID can get one free of charge.

Lastly, and most importantly for this immigration debate, Mr. Fund states:

The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosino in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, California congressional race revealed that ''4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.

The second article is written by Andrew Young, former mayor of Atlanta on September 30, 2005 for the Atlanta Journal-Constitution, in which he states:

At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12% of Americans who don't have drivers' licenses or government-issued photo IDs.

The last article is co-authored by Jimmy Carter and James Baker and appeared in the September 23, 2005, New York Times, in which they observe:

In arguing against voter ID requirements, some critics have overlooked the larger benefits of government-issued ID's for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as a way to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post/911 world, photo ID's are required to get on a plane or into a skyscraper.

I ask unanimous consent those three articles to which I just referred be printed in the RECORD at this point.

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

[From the Wall Street Journal, May 22, 2006]

JIMMY CARTER IS RIGHT

Amid all the disputes over immigration in Congress, one amendment is being proposed that in theory should unite people in both parties. How about requiring that everyone show some form of identification before voting in federal elections? Polls show overwhelming support for the idea, and there is increasing concern that more illegal aliens are showing up on voter registration rolls. But the fact that photo ID isn't likely to pass shows both how deeply emotional the immigration issue has become and how bitter congressional politics have become with elections only 5 1/2 months away.

Mitch McConnell, the Senate Republican whip, is proposing the photo ID amendment. He notes that Mexico and many other countries require the production of such identification in their own elections, and that the idea builds on the suggestion of last year's bipartisan election reform commission headed by former president Jimmy Carter and former secretary of state James Baker.

The Carter-Baker commission issued 87 recommendations to improve the functioning of election systems. One called for a national requirement that electronic voting machines include a paper trail that would allow people to check their votes, while another would have states establish uniform procedures for counting provisional ballots.

But the biggest surprise was that 18 of 21 commissioners backed a requirement that voters show some form of photo identification. They argued that with Congress passing the Real ID Act to standardize security protections for drivers' licenses in all 50 states, the time had come to standardize voter ID requirements. Former Senate Democratic leader Tom Daschle joined two other commissioners in complaining that the ID requirements would be akin to a Jim Crow-era ''poll tax'' and would restrict voting among the poor or elderly who might lack such an ID.

Mr. Daschle's racially charged analogy is preposterous. Almost everyone needs photo ID in today's modern world. Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, ''requiring ID can help poor people'' who otherwise might be even more marginalized by not having one.

The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons. In any case, the tacit acknowledgment by Mr. Carter and most of the other liberals on the commission that the integrity of the ballot is every bit as important as access to the ballot was a welcome one.

The photo ID issue is being joined with the immigration debate because there is growing anecdotal evidence that voter registration by noncitizens is a problem. All that it takes to register is for someone to fill out a postcard, and I have interviewed people who were still allowed to register without checking the box that indicated they were a citizen. Several California counties report that an increasing number of registered voters called up for jury duty write back saying they are ineligible because they aren't citizens,

The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosio in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration

and Naturalization Service into alleged fraud in a 1996 Orange County, Calif., congressional race revealed that ''4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.''

It's certainly true that new ID rules alone wouldn't eliminate all the potential for fraud. Much of the voter fraud taking place today occurs not at polling places but through absentee ballots. In some states party officials are allowed to pick up absentee ballots, deliver them to voters and return them, creating opportunities for all manner of illegal behavior. Other states allow organizations to pay ''bounties'' for each absentee ballot they deliver, which provides an economic incentive for fraud. The Carter-Baker commission recommended that states eliminate both practices.

In a politically polarized country, photo ID for voting is a rare issue that enjoys across-the-board support among the general public. A Wall Street Journal/NBC poll last month found that 80% of voters favored a photo ID requirement, with 62% favoring it strongly. Only 7% were opposed. Numbers that high indicate the notion has overwhelming support among all demographic and racial groups.

Skeptics argue that in some states the effort to impose such a requirement seems to emphasize the ID requirement while not making a serious effort to ensure everyone has such a document. Robert Pastor, executive director of the Carter-Baker commission, claims that some Republicans supporting voter ID ''are not really serious about making sure that voter ID is free for those who can't afford it.''

Some analysts say a photo ID law could pass on the national level only if it is seen to satisfy both sides. ''As part of an overall bipartisan package of election reform—which would include universal voter registration conducted by the government—national voter identification makes sense, especially if structured to limit absentee vote fraud, and so that identification can be checked across states,'' says Rick Hasen, a professor at Loyola Law School. But he says that excessive ''partisan jockeying is not going to increase public confidence in the outcome of elections.''

Sen. McConnell's proposed photo ID requirement is a good idea, but it may be able to move forward only if he puts some real money on the table to ensure that everyone who wants to vote can get an ID. In that, the photo ID issue resembles the immigration debate itself. The only immigration bill that is going to pass both houses is one that combines beefed-up border enforcement with steps that regularize the growing demand for labor from Mexico via some kind of legal guest worker program. But sadly, in the case of both photo ID and immigration, political jockeying appears to be the order of the day. It may take a lame-duck session of Congress after this year's election for members finally to address both issues seriously.

[From the Atlanta Journal-Constitution, Sept. 30, 2005]

VOTER IDS ONLY PART OF ELECTIONS SOLUTION

(By Andrew Young)

There is an understandable, visceral reaction by many people against the use of a photo ID card for voting. But how we vote and voting in general must be seriously examined, and we cannot let partisanship take place over citizenship. America ranks 139th out of 172 countries in voter turnout worldwide.

How do you create a fair voting system, with access to all who deserve it, with a required photo ID without disenfranchising or penalizing Americans? We know, a photo ID requirement can be used as a latter-day equivalent of the poll tax—that has happened in Georgia, which has added a fee to get the appropriate ID.

So why did I give at least conditional support to the Carter-Baker Commission for its recommendation of a required photo ID?

First, I accepted the two pillars of the commission's own recommendation: There already is a photo ID requirement in federal law—the new Real ID requirement imposed by Congress as part of homeland security policy. If everyone will eventually be required to carry a Real ID card, why not use it to improve the voter registration and election system? Encode the cards with voter data, and that will protect voters from being wrongfully turned away from the polls.

The second pillar is that any required photo ID must be made widely available, easily accessible and free.

Time will tell whether Georgia is effectively executing its plans through its mobile vans and, for the indigent, a waiver of the fee for a photo ID.

At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12 percent of Americans who don't have drivers' licenses or government-issued photo IDs?

Given these two pillars, I have no objections to an ID requirement, even though I do not believe that fraud is widespread or that the ID is the key to election reform.

But there is another condition: The ID has to be made part of a package that includes bolder solutions that expand access to large numbers of voters who are now seriously handicapped by the way we run elections.

Imagine you are a working poor person. Election Day, Tuesday, comes. You have to be at work at 8 a.m.—your employer doesn't give you time off to vote, and you will have your pay docked or be fired if you are late. You check out your polling place at 7 a.m.—there is already a long line, with many there because they have the same problem. So you go to work, finish at 6 or 7 p.m. and head to the polls again. Another long line awaits, with no guarantee you will get to the front of it before the polls close.

I firmly believe that the surest fix to our anemic turnout is in the calendar, not the cards.

Having Election Day on a Tuesday was a decision made 160 years ago, for reasons that were appropriate to Colonial times but are no longer relevant. According to the 2002 census data and other polls, the inconvenience of Tuesday is the single reason people most cited for not voting.

So I asked the members of the Carter-Baker commission when I met with them, ''Why Tuesday?'' having personally observed that historic weekend in South Africa when Nelson Mandela was elected president. Regrettably there is nothing in the Carter-Baker report on federal election reform that addresses why Tuesday voting remains a good idea.

If America is to remain the world's beacon of democracy, we can no longer tolerate an evergrowing class of permanent non-voters.

A simple act of Congress moving Election Day to the weekend is what the Rev. Martin Luther King Jr. truly envisioned when he said ''the short walk to the voting booth'' is the most decisive step for our democracy.

[From the New York Times, Sept. 23, 2005]

VOTING REFORM IS IN THE CARDS

(By Jimmy Carter and James A. Baker III)

We agreed to lead the Commission on Federal Election Reform because of our shared concern that too many Americans lack confidence in the electoral process, and because members of Congress are divided on the issue and busy with other matters.

This week, we issued a report that bridges the gap between the two parties' perspectives and offers a comprehensive approach that can help end the sterile debate between ballot access and ballot integrity. Unfortunately, some have misrepresented one of our 87 recommendations. As a result, they have deflected attention from the need for comprehensive reform.

Our recommendations are intended to increase voter participation, enhance ballot security and provide for paper auditing of electronic voting machines. We also offer plans to reduce election fraud, and to make the administration of elections impartial and more effective.

Most important, we propose building on the Help America Vote Act of 2002 to develop an accurate and up-to-date registration system by requiring states, not counties, to organize voter registration lists and share them with other states to avoid duplications when people move. The lists should be easily accessible so that voters can learn if they're registered, and where they're registered to vote.

Some of our recommendations are controversial, but the 21 members of our bipartisan commission, which was organized by American University, approved the overall report, and we hope it will break the stalemate in Congress and increase the prospects for electoral reform.

Since we presented our work to the president and Congress, some have overlooked almost all of the report to focus on a single proposal—a requirement that voters have driver's licenses or government-issued photo IDs. Worse, they have unfairly described our recommendation.

Here's the problem we were addressing: 24 states already require that voters prove their identity at the polls—some states request driver's licenses, others accept utility bills, affidavits or other documents—and 12 others are considering it. This includes Georgia, which just started demanding that voters have a state-issued photo ID, even though obtaining one can be too costly or difficult for poor Georgians. We consider Georgia's law discriminatory.

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members accepted the proposal, in part because the choice was no longer whether to have voter IDs, but rather what kind of IDs voters should have.

Yes, we are concerned about the approximately 12 percent of citizens who lack a driver's license. So we proposed that states finally assume the responsibility to seek out citizens to both register voters and provide them with free IDs that meet federal standards. States should open new offices, use social service agencies and deploy mobile offices to register voters. By connecting IDs to registration, voting participation will be expanded.

Our proposal would allow voters without photo IDs to be able to cast provisional ballots until 2010. Their votes would count if the signature they placed on the ballot matched the one on file, just as the case for absentee ballots. After that, people who forgot their photo IDs could cast provisional votes that would be counted if they returned with their IDs within 48 hours. Some have suggested we use a signature match for provisional ballots

after 2010, but we think citizens would prefer to get a free photo ID before then.

In arguing against voter ID requirements, some critics have overlooked the larger benefit of government-issued IDs for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as away to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post-9/11 world, photo IDs are required to get on a plane or into a skyscraper.

We hope that honest disagreements about a photo ID will not deflect attention from the urgency of fixing our electoral system. While some members of Congress may prefer to block any changes or stand behind their particular proposals rather than support comprehensive reforms, we hope that in the end they will work to find common ground. The American people want the system fixed before the next election, and that will require a comprehensive approach with a bipartisan voice in favor of reform.

Jimmy Carter was the 39th president. James A. Baker III was secretary of state in the George H. W. Bush administration.

Mr. MCCONNELL. What is the remaining time?

The PRESIDENT pro tempore. There is 10 minutes 15 seconds; the minority has 25 minutes.

Mr. MCCONNELL. I retain the remainder of my time, and I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. We have 25 minutes?

The PRESIDING OFFICER (Mr. BROWNBACK). That is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, last night I offered an amendment dealing with the enforcement of safety provisions to make sure those American workers who work here, and the guest workers, are going to be in safe conditions, that they are going to be safe and secure, that we are going to have the safest workforce possible. And all I heard on the other side is: We can't do this because we haven't had any hearings.

This is an important issue, an important question, and vital, but we can't possibly consider this as a measure that is only tangentially relevant to the immigration issue. I suggest what was sauce for the goose is sauce for the gander. This is a very important issue that deserves consideration.

We have 25 minutes on this side to try and deal with this issue. Obviously, that is inadequate.

I remember 1964. My first amendment in the Senate was in opposition to the poll tax. I lost that vote, 52 to 48. Eventually, we eliminated the poll tax. But we went through to the 1964–1965 Voting Rights Act, and we eliminated not only the poll tax but the literacy test.

Why were those tests put in place? They were put in place to make sure our voting was going to be safe and secure and that we were only going to have people voting who deserved to vote. This is a way to keep our voting clear and to make sure that we are going to preserve the sanctity of the voting box.

So we had those measures, but as we know, they were struck down. Why were they struck down? I will not take the time here, but fundamentally and basically they were unconstitutional.

Now the Senator suggests: Let's go there and put in a new process. That sounds very good. The poll tax sounded very good when it was initially offered. So did the literacy test. Now we have a new idea that is going to be offered. The first question we have to ask ourselves is, Is there a problem?

We have heard anecdotal comments from the Senator from Kentucky—not studies, not reviews, but anecdotal studies—about whether there was real fraud out there. Is this a problem in the United States of America? There has not been any evidence that this is the result of hearings. We have not had any hearings.

The study of the 2002 and 2004 Ohio elections found there were 9 million votes cast and 4 were found to be fraudulent according to the League of Women Voters of Ohio; 4 votes found to be fraudulent according to the League of Women Voters of Ohio, the most comprehensive study that has been done recently in terms of elections.

The Secretary of State of Georgia stated she was not aware of a single case or complaint of a voter impersonating another voter at the polls in almost a decade. That was sworn testimony of the Secretary of Georgia. She was much more concerned about absentee ballots than the question of fraud.

A 12-State study by Demos, a nonprofit organization, not a Democrat or Republican organization, concluded election fraud was very rare. They found no evidence suggesting fraud, other than a minor problem. That is the best information we have. We have not had any hearings. All of the relevant studies indicated that is the situation. So we have a solution where there really isn't a problem.

The Senator from Kentucky says he is basically following the recommendations of the Carter-Baker commission of some time ago. That is not exactly the case. In the Carter-Baker proposal they have a number of recommendations on implementation. First of all, they say it should not be implemented until January 2010. This is to be implemented in May of 2008, the middle of the Presidential primaries.

Why did the Carter-Baker commission say 2010? They said it because the States are not prepared to deal with it prior to that time. What is the date of the Senator from Kentucky? What date do they select? May 2008, in the middle of the Presidential primaries, for 110 million Americans who vote, to drop this in on the States?

This is unworkable. The denial of one of the most sacred rights of an American citizen, the right to vote, is going to be heavily compromised if we accept this.

A second proposal of the Carter-Baker commission indicates it has to be free identifications. This is the language in the McConnell amendment:

. . . the Election Assistance Commission shall make payments to States to—[what, make them all free? No]—promote the issuance to registered voters of free. . . .

It does not even guarantee the funding. It was guaranteed in the Carter proposal.

Finally, it also indicated that, should there be States that refuse or fail to have a process, there is a backup system to ensure the right to vote. That does not exist in this particular proposal.

So this does not even meet the bare requirements of the Carter-Baker proposal. It does not even meet those bare requirements. It accelerates the timing, which was deferred, for very good reasons, after a prolonged discussion during the debate.

Finally, and most importantly, when the courts recently considered a very similar proposal to the one we have here, which was a similar voter identification proposal, in Common Cause v. Georgia—which is a 2005 case; virtually an identical kind of a proposal to that which is offered by the Senator from Kentucky—it pointed out that it violated the equal protection clause because it unduly burdened the fundamental right to vote for several classes of citizens.

Sure, you need a photo identification to get a video because the video shop wants the video back. Sure, you have a photo identification to rent a car because the people who rent the cars want the car back, and for insurance purposes. Sure, you have a video when you buy a gun, for the obvious reasons. But as to the right to vote, we want to encourage people to vote. This is what the circuit court said, with virtually an identical proposal that came before them.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. KENNEDY. Mr. President, I will take another 2 minutes.

That is what the circuit court said in response to a similar proposal which became before them.

The amendment violates the Equal Protection Clause because it unduly burdens the fundamental right to vote for several classes of people. The court in the Georgia case found the voter identification requirement ''most likely to prevent Georgia's elderly, poor, and African-American voters from voting.''

The amendment violates the 24th amendment because it amounts to an unconstitutional poll tax. The Supreme Court found that the 24th amendment not only bars poll taxes, but also bars their ''equivalent[s]'' and found this kind of identification was an equivalent.

The McConnell amendment requires that the Election Assistance Commission make funds available only ''to promote the issuance of free photo identification,'' but does not mandate and provide that.

This is an unwise amendment on an immigration bill.

Mr. President, I see our friend from Connecticut, who was the floor manager of the earlier legislation, and my colleague from Illinois, who also wishes to speak.

The most sacred right guaranteed in our democracy is the right to vote. We want to promote people voting. We want our elections safe and secure. But this issue deserves more than 45 minutes on the floor of the U.S. Senate on an immigration bill.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 5 minutes.

Mr. OBAMA. Thank you very much, Mr. President.

Let me echo Senator KENNEDY's strong opposition to the amendment offered by the Senator from Kentucky.

There is no more fundamental right accorded to United States citizens by the Constitution than the right to vote. And the unimpeded exercise of this right is essential to the functioning of our democracy. Unfortunately, history has not been kind to certain citizens in their ability to exercise this right.

For a large part of our Nation's history, racial minorities have been prevented from voting because of barriers such as literacy tests, poll taxes, and property requirements.

We have come a long way in the last 40 years. That was clear just a few weeks ago when Democrats and Republicans, Members of the Senate and the House, stood on the Capitol steps to announce the introduction of a bill to reauthorize the Voting Rights Act. That rare and refreshing display of bipartisanship reflects our collective belief that more needs to be done to remove barriers to voting.

Right now, the Senate is finishing a historic debate about immigration reform. It has been a difficult discussion, occasionally contentious. And it has required bipartisan cooperation. After several weeks, and many, many amendments, we are less than an hour away from voting for cloture. Considering our progress and the delicate balance we are trying to maintain, this amendment could not come at a worse time.

Let's be clear, this is a national voter identification law. This is a national voter identification law that breaks the careful compromise struck by a 50–50 Senate 4 years ago. It would be the most restrictive voter identification law ever enacted, one that could quite literally result in millions of disenfranchised voters and utter chaos at the State level.

Now, I recognize there is a certain simplistic appeal to this amendment. After all, why shouldn't we require people to present a photo identification card when they vote? Don't we want to ensure that voters are actually who they claim to be? And shouldn't we at least make sure that noncitizens are not casting ballots and changing the outcomes of elections?

There are two problems with that argument. First, there has been no showing that there is any significant problem of voter fraud in the 50 States. There certainly is no showing that noncitizens are rushing to try to vote. This is a solution in search of a problem. The second problem is that historically disenfranchised groups—minorities, the poor, the elderly and the disabled—are most affected by photo identification laws.

Let me give you a few statistics. Overall, 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new U.S. citizens, the indigent, the elderly, or the disabled. AARP reports that 3.6 million disabled Americans have no driver's license.

A recent study in Wisconsin found that white adults were twice as likely to have driver's licenses as African Americans over 18. A study in Louisiana found that African Americans were four to five times less likely to have photo identification than white residents.

Now, why won't poor people be able to get photo identifications or REAL IDs? It is simple: Because it costs money. You need a birth certificate, passport, or proof of naturalization, and that can cost up to $85. Then you need to go to a State office to apply for a card. That requires time off work, possibly a long trip on public transportation, assuming there is even an office near you.

Imagine if you only vote once every 2 or 4 years, it is not very likely you are going to take time off work, take a bus to a far-off government office to get an identification, and pay $85 just so you can vote. That is not something most folks are going to be able to do.

The fact of the matter is, this is an idea that has been batted around, not with respect to immigration, but with respect to generally attempting to restrict the approach for people voting throughout the country. This is not the time to do it.

The Carter-Baker Commission on Federal Election Reform found that in the 2002 and 2004 elections, fraudulent votes made up .00003 percent of the votes cast. That is a lot of zeros. So let me say it a different way: Out of almost 200 million votes that were cast during those elections, 52 were fraudulent. To put that in some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

This is not the appropriate time to be debating this kind of amendment. We have a lot of serious issues to address with respect to immigration. I ask all my colleagues to reject this amendment so we can move on to the important business at hand.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, do we have 11 minutes? Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes. The Senator from Connecticut has 5.

Mr. KENNEDY. So 6 and 5 is 11.

I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am glad our math is good here this morning. I appreciate that early in the day.

Mr. President, I thank my colleague from Massachusetts for his leadership on this bill and his eloquence this morning on this amendment being offered by our colleague from Kentucky. I commend our colleague from Illinois as well for his eloquent comments about the problems associated with this amendment.

Very bluntly and very squarely, if the McConnell amendment is adopted in the next 20 minutes, then roughly 142 million people in our country would have to have a new—a new—photo identification, one which does not exist yet, that complies with REAL ID by the elections in 2008. Otherwise, you could not vote a regular ballot in the 2008 Federal elections without this new identification.

My colleague cites polling data that indicates that 62 percent of Americans believe a photo identification may be necessary. They were not asked whether or not they knew they would have to have a completely new identification, which I presume they would have to pay for, and if they don't have it with them by election day 2008, then they would not be allowed to show up and vote a regular ballot in person for presidential and other federal candidates across the country. So 142 million people could be disenfranchised by this amendment if we end up requiring a new photo identification.

Now, it has been said over and over again this morning—it needs to be repeated—it was Patrick Henry who said, more than 200 years ago: The right to vote is the right upon which all other rights depend. It is the essential right. The idea we would somehow exclude people who are elderly or disabled or people who, for a variety of reasons, do not have or cannot get this new photo identification from having access to the ballot because of some anecdotal evidence that people may show up and pretend to be someone else—because that is the only set of circumstances we are talking about here.

Absentee ballots present a unique set of problems. This does not cover the absentee ballots. It does not cover the situations where people mail in votes under a different set of circumstances in some of our States. This amendment only addresses the situation in which someone shows up to vote claiming to be someone else, when, in fact, they are a different individual.

So I would hope our colleagues, recognizing the tremendous problems this

amendment could afford us, would reject this amendment. We had this debate 4 years ago when we adopted the Help America Vote Act. What we said is, if you register by mail, then the first time you show up at the polls, you need some form of identification, and, in fact, a photo identification may be one of them. But it is not the only thing that can be a source of identification for first time voters who registered by mail. There may be a variety of other criteria that States would adopt.

In a sense, we are going to nationalize and Federalize every single State by this approach. States, as we have historically said, determine the specific requirements of registration. Some States require very little. That is their judgment. Other States require more. We stayed away from dictating to States exactly what they had to do in the Help America Vote Act. If you adopt this amendment, why not consider an amendment for national registration? Many advocate that.

I think it may be a sound idea to move to a national registration. The HAVA bill moved from local registration to Statewide registration, which is a major step forward. But here we are saying you are going to have to have one size fits all, one identification, and we do not even know what it looks like yet—it does not exist at all—which has to comply with the REAL ID requirements between now and election day 2008. And if you do not have it, then you could be refused a regular ballot and forced to vote provisionally.

Obviously, access to the ballot has been critical for us. We have balanced that right to try to ensure, to the extent possible, that the ballot is going to be secure. But if we err on any side of that equation, it has been historically to err on the side of access to make sure people are encouraged to participate. Thus, the reason, in the HAVA bill, why we have provisional balloting—for the first time that will exist—it is so that if you show up and there is a contest as to whether or not you have the right to vote, the law says you should be able to cast a provisional ballot, so that after the election, after the ballots are cast, or the polling places are closed, if, in fact, you, the voter, were right, the ballot counts. If you were wrong, obviously, it does not, but you have a right to find out why it was not counted in order to be able to correct the problem.

Provisional ballots are making it possible for people to vote who believe they have the right to vote, to cast a ballot. That right has not existed in the past. That is the direction we are heading in as a country, not going backwards, not retreating, and not creating obstacles and hurdles to cast those ballots. That, unfortunately, would be the outcome if the McConnell amendment were adopted.

Every major civil rights organization, every leading organization defending the disabled and the elderly are opposed to this amendment and are very worried about what it could mean if it were adopted.

So I urge my colleagues, at this early hour in the morning: Please, when you come here, this is not the place for this amendment on an immigration bill. There is a time and opportunity to go back and revisit election issues. I hope we do that at some point. But to cherry-pick a provision that would set us back decades would be a mistake.

The right to vote is one of the most fundamental civil rights accorded to citizens by the United States Constitution. The right of all Americans to vote, and to have their vote counted, is the cornerstone of our democratic form of government. It is at the heart of all we do here, and precedes other rights because it is the means by which we choose those who represent us. The free and unencumbered exercise of the franchise is a core pre-condition of a government that is of the people, by the people and for the people.

This amendment would jeopardize efforts to balance the traditional requirements of ballot access and ballot security; impinge unnecessarily on those fundamental rights; create a disparate impact on whole classes of our citizens; and effectively impose a new form of poll tax on millions of American voters.

Public confidence in the integrity of final election results is likely to be judged to a large extent by how well our laws balance the twin goals of expanded ballot access and enhanced ballot security, a fact that should remain foremost in our minds as we move forward on this debate in the coming days.

This amendment would dangerously undermine that delicate balance. Where difficult questions on these issues arise, my bias has always been to err on the side of expanded ballot access for all eligible voters. That should be no surprise to anyone who has been in the Senate or watched its deliberations in recent years, including the debate three years ago on the Help America Vote Act.

We must do all we can to ensure that the fundamental right to vote can be exercised freely, even while taking appropriate precautions to prevent usually isolated acts of individual voter fraud.

The McConnell amendment before us would effectively mandate a one-size-fits-all voter identification solution for every voter, every State, and the territories regardless of their circumstances, resources or preferences.

Every American citizen who is eligible to vote today in a Federal election would be effectively rendered ineligible to vote in the Presidential election of November 2008 by this amendment. Under this amendment, even those Americans who were born in this country and have been voting in every election since they turned 18 would be unable to vote in the November 2008 Presidential election, unless they first obtain a new REAL ID/citizenship card, or its equivalent.

This is a sea change in the rules of access for voters to every polling place in the United States. Under this amendment, everyone, every voter would have to present a REAL ID/citizenship card to vote a regular ballot at the polls.

My colleagues may remember the stories of dogs and dead people voting in the 2000 Presidential election. To respond to individual fraud in election registration, Congress adopted a measured, two-part response: a new identification for first time voters who register by mail and a computerized statewide voter registration system. Under HAVA, the States must have the computerized voter registration system in place this year. And the States are working diligently to accomplish that.

But this amendment goes much farther and without any justification, without any evidence of widespread fraud, effectively disenfranchises every single American voter who is eligible to vote in Federal elections today.

The only fraud that this amendment purports to address is the situation in which a voter appears, in person, at the polls and claims to be someone else. During all of the hearings that the Rules Committee held on election reform following the debacle of the 2000 Presidential elections, including the hearings held by my distinguished friend, the author of this amendment—who was Chairman of the Rules Committee at the time—not one witness testified to widespread fraud by individuals appearing in person at the polls claiming to be someone they were not.

And Congress isn't the only body which failed to find more than anecdotal evidence of such fraud.

Just last year, the bipartisan Carter-Baker Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker, also failed to find the fraud that this amendment is designed to address.

Let me quote from the September 2005 Carter-Baker Commission Report:

> There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both could occur, and it could affect the outcome of a close election.

So even though neither Congress, nor the esteemed private Carter-Baker Commission, could find the type of fraud that would justify a national citizenship voting card, this amendment would literally jeopardize the voting rights of every single American citizen in order to combat this phantom fraud.

And yet the fraud that the bipartisan Carter-Baker Commission was concerned about—that of fraud committed through absentee balloting—is not even addressed by this amendment.

Again, quoting from the 2005 Carter-Baker Commission Report:

> Absentee ballots remain the largest source of potential voter fraud.

But does this amendment apply to absentee balloting or vote by mail?

No—it applies only to those American citizens who make the effort to get up on election day and go to the polls, stand in line—sometimes for hours—and publicly present themselves to vote.

This amendment would change the law to effectively federalize what has always been a State and local determination. It would establish a one-size-fits-all Federal REAL ID/citizenship card, based on a law that has itself not been fully implemented.

It mandates that every State implement a system which uses these new cards by May 11, 2008—less than two years from now, and during a period when we will almost certainly face a hotly contested Presidential election. If this amendment is adopted, the resulting chaos will undermine the results of the 2008 Presidential election to the point that not even the Supreme Court will be able to determine the winner.

No one in this Chamber can say with any certainty how this is going to work, if at all, or that it will not further disenfranchise vulnerable voters. In my view, it almost certainly will.

This is not the time, nor the vehicle, to be debating election reforms that will most assuredly disenfranchise American citizens, particularly the poor, minorities, the elderly, and the disabled.

These voting issues are important, and as I have said, I would welcome a full and comprehensive debate on how to expand access for all Americans to enable them to more effectively and easily register and vote in Federal elections, while preserving ballot security.

I have introduced legislation on that issue in this Congress, and would like to have it considered soon. We could and should have a full debate on how best to balance the twin goals of expanded ballot access with appropriate ballot security. But now is neither the time nor the place for that debate. This is not what we should be doing on this bill.

I am also concerned about amending HAVA now. I intend to oppose any amendment that would open up the Help America Vote Act before the law is fully implemented in time for the fall Federal elections in 2006.

We have already had over 10 primaries and we are less than six months prior to the general mid-term elections. States are working hard to come into compliance with the new requirements of accessible voting systems and statewide voter registration list. Voters are working hard to understand the new circumstances and new technologies they will be facing in the 2006 elections, and are being educated on how to exercise their rights to ensure an equal opportunity for all to cast a vote and have that vote counted.

Many of us know that no single law is the comprehensive and perfect fix for a number of problems which have existed for decades in our decentralized election system. HAVA was a landmark law, the next step in a march which included the Voting Rights Act, NVRA legislation, and other measures. HAVA made appropriate changes to the law in the wake of the 2000 election debacle, and did so with broad, bipartisan support.

And I am sure there are a host of improvements that could be made to HAVA. I have some in mind myself. But HAVA deserves to be fully and effectively implemented before taking the next steps toward broader reform.

If this Senate wishes to debate election reforms, I am prepared to do so for days to come. There are numerous reforms which the Senate should be considering.

If we are prepared to impose a universal voting ID on Americans, then we should also establish a universal Federal registration requirement for voting. If we are going to preempt the rights of States to determine who is eligible to vote in a Federal election, then perhaps we should preempt the rights of States to decide whether or not they will count that Federal ballot.

If we are going to federalize identification requirements for voting, then perhaps we should federalize eligibility requirements for absentee voting.

If we want to ensure that the vote of every eligible American citizen has equal weight, then maybe we should federalize the administration of Federal elections.

But that is not the approach that my colleague, Senator MCCONNELL, and I took in developing the bipartisan Help America Vote Act. And that is not the approach that the Congress and President Bush took in passing and signing into law the Help America Vote Act. And nothing in the intervening 3½ years has changed to suggest that either HAVA isn't working, or that the American people support the kind of sea change that this amendment creates.

HAVA was a carefully crafted balance between the twin goals of making it easier to vote and harder to defraud the system. This amendment destroys the necessary balance between ballot access and ballot security—a balance that is key to ensuring the integrity of Federal election results.

If we are equally concerned about both access to the ballot box and potential fraud, then we should not enact an amendment which, by operation of its provisions, will potentially prevent every single eligible citizen from voting in the 2008 Presidential election.

And if we are truly concerned about potential voting fraud, then we should give the States the opportunity to complete implementation of HAVA and allow that new law to work before we enact a new requirement which on its face will disrupt the delicate balance HAVA created.

HAVA needs to be allowed to work. And for that reason, a broad Coalition of civil rights and voting rights groups, and organizations representing State and local governments, oppose this amendment.

This Coalition letter makes clear that in their view, the six-month period prior to Federal mid-term elections, as we are implementing HAVA, is not the time, nor is the immigration bill the vehicle, to attempt to make highly controversial changes to the way voters qualify for access to the ballot box. Specifically, the Coalition letter rejects this amendment because, and I quote:

> The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and undermines the continuing efforts of the States to enfranchise every eligible voter through the Help America Vote Act of 2002, ''HAVA''.

Mr. President, any amendment which attempts to impose additional new Federal election reforms must include proposals which balance the competing goals of expanded ballot access and ballot security. My hope is that the Senate will make clear that effective election reform is not just about one of those aspects, but must address both. Some in this body have maintained a continuing misplaced emphasis on security at the expense of access. It is the duty of this Congress to ensure that both goals are protected and preserved for all Americans.

I urge rejection of the McConnell amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, elections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable. At the same time, elections are a core public function upon which all other Government responsibilities depend. If elections are defective, the entire democratic system is at risk. Americans are losing confidence in the fairness of elections. We need to address the problems of our electoral system. Those are the words of the cochairmen of the Commission on Federal Election Reform, former Secretary of State Jim Baker and former President Jimmy Carter.

Most people know Jimmy Carter, the former President. I happen to know him as a Governor. We served together. We also know him as a lion in the world of free and fair elections. He has traveled the globe, faced down dictators, watched over petty potentates, all in the name of free and fair elections. He believes we need a real voter identification.

We took steps in the HAVA to make sure that somebody who had a right to

vote was not unjustifiably denied that right by being refused an opportunity to vote at the polls. That is why we supported it, and it was a great idea to have a provisional ballot. But you can lose your vote just as surely and as effectively when somebody who is not eligible to vote casts an illegal vote that cancels your vote. That is a silent and more insidious way of losing your vote—if your vote is canceled by an illegal vote cast by someone who is not eligible to vote or somebody who has voted more than once.

My colleague from Illinois has raised the question of why we need it because there isn't any vote fraud. That is a monumental announcement from somebody who comes from a State that has Chicago in it, but I think that St. Louis has outdone Chicago. In the 2000 election we had people filing to keep the polls open because they had been denied the right to vote. It turns out when they looked into the situation, the first plaintiff had trouble voting because he had been dead for 14 months.

They said: The real plaintiff is a guy whose name is very similar. That plaintiff had voted earlier that afternoon in St. Louis County. But when we started looking into voter fraud in St. Louis, news reports were rife with fraudulent voting. Thousands of votes were apparently cast by dead people, or with fraudulent addresses, large numbers voting from vacant lots, dozens of people voting from a single-family residence. Voter fraud was so bad in the elections that even a very liberal newspaper in St. Louis carried a cartoon showing St. Louis voting.

Here is the voting booth. Here is a casket where people were trying to vote in St. Louis. You can accept voting in these two places, but the coffin is not a place you expect people to cast a vote from.

How would a picture identification requirement help the situation? As you can imagine, a picture of a dead person would certainly be noticeable. Assuming the dead person was not the one actually voting, there would be a mismatch between the voter and the photo. I don't imagine that opponents of this amendment actually are fighting to have dead people vote, but that is the result when they block amendments such as this.

Another result is seen in this registration card. I suppose I shouldn't keep it up too long because somebody will want to copy the address and send Ritzy Mekler a campaign solicitation. Why does Ritzy's registration matter? How would a picture identification address her situation? A picture identification of Ritzy Mekler would instantly have indicated the problem because Ritzy is a 13-year-old cocker spaniel.

Mr. MCCONNELL. I yield another minute to the Senator from Missouri.

Mr. BOND. These are not isolated instances. The Missouri Secretary of State conducted an investigation after the 2000 vote and found significant voter fraud. Subsequent criminal proceedings confirmed that fraud is still a problem and must be monitored in Missouri. A 2004 report by Missouri's State auditor found over 24,000 voters registered who were either double registered, deceased, or felons. These are problems we want to clean up, and a voter identification requirement will help us.

The amendment we have before us requires voters to present identification for the 2008 election. It will be the same requirement that citizens face every time they take the train or fly on an airplane. It will be the same requirement they face when cashing a check.

For those concerned that some voters need help getting a picture ID so they can vote, I agree 100 percent. This amendment will also provide new grant funds to States so that everyone who needs an ID can get one free of charge.

There should be no barriers to voting in this country. There also should be no barriers to a free and fair election.

We will not be alone in this requirement. Voters in nearly 100 democracies use a photo identification card. Maybe that international experience is what helped convince President Carter that this was an important idea. So important that the Commission on Federal Election Reform he cochaired included this recommendation.

That commission's executive director note that polls indicated that many Americans lack confidence in the electoral system, but that the political parties are so divided that serious electoral reform is unlikely without a strong bipartisan voice.

That is why President Carter joined in the election reform effort, and that is why I urge my colleagues to join this effort—so that we can restore faith in our elections, so that we know that citizens who have the right to vote are voting, so that even new citizens who were immigrants have a free and fair election to vote in. I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, Senator MCCONNELL has proposed an amendment to the immigration bill to modify the Help America Vote Act of 2002, ''HAVA'', by mandating that all States require government-issued photo identification from voters at polling places. Senator MCCONNELL's amendment raises serious concerns by putting the policy ahead of the groundwork necessary to determine how and whether such a step should be taken.

I do not see his justification for attaching that proposal to this measure or to get ahead of the implementation of the REAL ID Act or recommendations by the Carter-Baker commission. The REAL ID Act has given us a great many problems, and there are a number of aspects that need to be adjusted or fixed. If the Rules Committee wants to take a comprehensive look at it and if Senator DODD supports that effort, I will be very interested in what they have to say. I do not think it is wise to expand the purpose of the REAL ID Act without due deliberation. This is not the right time, nor is this bill the right place, to make hasty changes to Federal voting laws without the careful consideration such modifications deserve.

The Senate is currently considering the reauthorization of the Voting Rights Act and is doing so in a deliberate, considered, and bipartisan manner. We should take the same approach to any enhancement of HAVA, which should include the considered input from the States, their election officials and citizens. HAVA expressly provides for State involvement in carrying out the improvements in the law. Senator MCCONNELL's amendment would seem to undermine HAVA by preventing the States from performing their legislative role in devising voter identification procedures. The States play an integral role in carrying out the improvements in the Act, and we should let them perform this function without the undue interference.

Any proposal for federally standardized identification cards should be subject to hearings and debate beyond the constrained environment of the amendment process for the immigration bill. Before we vote on proposals for the use of a national identification card in our voting system, we must undertake a national debate about the technology, implementation, and the implications for the privacy rights of American citizens and the risks that required forms of voter identification have sometimes been used to intimidate minority voters or suppress their participation.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes and yield the last 3 minutes to the Senator from Connecticut.

This is an extraordinarily important amendment. It deserves the full consideration of this body because, as has been pointed out, it reaches the essence of our democracy, which is the right to vote. If we are going to take action on an immigration bill that is going to have an impact on 120 million Americans in the 2008 Presidential campaign, we should not be doing that in the 50 minutes before a cloture vote on the immigration bill.

I have pointed to recent courts of appeals decisions on measures that are virtually identical to this where they have struck it down because they believed that it was going to effectively discriminate against large groups of Americans, primarily the poor, the disabled, and the elderly. The court of appeals made that judgment in the Georgia ID case, not those on this side of the aisle. It was the court's decision.

It seems to me, having so clear a judicial determination on this measure and such a wide separation between what this measure is and what was recommended by the Carter-Baker commission, it is not wise for the Senate to

adopt what would be a major rewriting of our national election laws in the 50 minutes prior to a cloture vote on an immigration bill. It is unwise for the Senate. If we are not successful in defeating it, this potentially could have a most dramatic adverse impact in terms of American voting in the next national election. I don't think that is what this legislation is really about. I don't think we should take that step. If we are going to debate this issue, we ought to have the opportunity to have hearings and a review to make a judgment. Now is not the time, and this is not the legislation.

I yield my remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me again quote from the Carter-Baker commission report regarding the very proposal that is before us:

> There is no evidence of extensive fraud in U.S. elections or of multiple voting. It could occur and it could affect the outcome, but there is no evidence that exists today.

What is true is if this amendment were adopted, there are clearly people who will show up to vote who will not be allowed to vote a regular ballot because, under this legislation, in May of 2008, if you don't have this nonexisting voter card, you will not be allowed to vote. I don't care how long you have lived here, how many elections you have participated in, this is a national requirement that will exist in May of 2008. And out of 142 million people who have a right to vote, there is likely to be a substantial number who would be disenfranchised. This is the wrong direction to be going based on an anecdotal piece of evidence about people who show up to vote and claim to be someone else.

And that is why the Carter-Baker Commission recommendations on voter ID included a number of other reforms to provide a failsafe against this result. These additional components of the voter ID recommendation include allowing affidavit voting, with signature verification, until 2010. Thereafter, the Commission recommends that voters who did not have their ID could return to the appropriate election official within 48 hours of voting and provide the ID. But those failsafe provisions are not included in the amendment offered by the Senator from Kentucky.

Absentee balloting is an area that could take some work when it comes to addressing fraud, but even the Carter-Baker Commission concluded that fraud could not be documented in the case of in-person voting. To take this immigration legislation we have worked months to craft, and include the consideration of this ID proposal—and we rejected it only 4 years ago—to open up just this part of the Help America Vote Act, disregarding everything else, is the wrong step to take on an immigration bill.

Again, I emphasize, every civil rights organization, every group representing the elderly and disabled is urging colleagues to reject this amendment. This would be a major step backwards when it comes to election reform.

At the proper time I will offer a motion to table. My colleague from Kentucky wants to be heard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes 12 seconds.

Mr. MCCONNELL. Mr. President, there is a great debate going on in the Democratic Party on this issue. We have Jimmy Carter and Andrew Young on one side and, from the comments I have heard this morning, I gather colleagues from Massachusetts and Connecticut and Illinois on the other. It is an interesting debate among Democrats as to whether we should have this important ballot integrity measure.

My good friend from Massachusetts mentioned Georgia. They have photo identification in Georgia. That might explain why there were no reported cases by the Georgia Secretary of State of a problem. My good friend from Illinois declared that voter fraud was not a problem in America. I am sure he is familiar with Cook County in his own State, as Senator BOND has discussed regarding St. Louis and his State.

Let me take anyone who may doubt to eastern Kentucky. Voter fraud is a significant problem in America. And with a lot of new people coming in, many of them illegal, it raises the stakes to protect the integrity of the vote in this country. Every time somebody votes illegally, they diminish the quality and the significance of the votes of American citizens. This is not just Republicans making this point. This is some of the most significant Democrats in America today. President Jimmy Carter and former Atlanta Mayor Andrew Young believe that photo identification is absolutely critical.

With regard to the suggestion that there have been no hearings, we had numerous hearings in the Committee on Rules prior to passage of HAVA in 2002. The Baker-Carter commission had 21 members, 11 staff members, 25 academic advisors, 24 consulted experts in the field, two public hearings, advice from 22 witnesses, followed by three meetings and presentations spanning the country from LA to the District of Columbia, all of which produced a 104-page report in encapsulating 87 detailed recommendations to improve elections. There have been plenty of hearings on this subject.

The question is, on a measure which will guarantee that the number of illegals in America will continue to increase unless we are serious about border security, do we care about the franchise and diminishing the significance of the franchise of existing American citizens. We have engaged in a good discussion this morning on what this amendment does and does not do. It gives States the flexibility to design an identification to be shown at the polls to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Yes, the content standards of the REAL ID are the template but just the template.

And, last, the Federal Government will pay for any low-income Americans who do not have a photo identification, which is exactly the point that Andrew Young was making about how important that was for low-income Americans to finally have a photo identification so they can function in our society, which increasingly requires photo identification for almost everything—check cashing, getting on a plane, getting a fishing license, you name it, photo identification is required. It is nonsense to suggest that somehow photo identification for one of our most sacred rights, the right to participate at the polls, to choose our leadership, should not be protected by a requirement that is increasingly routine in almost all daily activities in America today.

If you support this amendment, then that puts you in the same camp with Jimmy Carter, James Baker, Andrew Young and 81% of legally registered Americans who seek to preserve and protect their Constitutionally guaranteed franchise from being disenfranchised by vote dilution and vote fraud. Mr. President, I urge that the motion to table, which Senator DODD has indicated he is going to make, be opposed.

Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I ask unanimous consent that a letter from State and local coalitions and civil rights groups be printed in the RECORD.

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

MAY 22, 2006.

DEAR SENATORS: We, the undersigned national organizations, urge you to reject an amendment to be introduced by Senator MITCH MCCONNELL (R–KY) to the Comprehensive Immigration Reform Act of 2006. The McConnell amendment would require, by May 11, 2008, that voters at polling places show federally mandated photo identification, pursuant to the ''REAL ID Act of 2005'' (P.L. 109–13), prior to casting a ballot.

The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and underlines the continuing efforts of the states to enfranchise every eligible voter through the Help America Vote Act of 2002 (HAVA).

The undersigned groups have, for several years, been part of a coalition focused on educating Members of Congress about the importance of fully funding the Help America Vote Act. However, in this case, we have come together to oppose this amendment.

Our organizations are working to implement HAVA so that voters' rights are guaranteed, and so that states have the flexibility needed to implement required reforms

to the nation's multi-jurisdictional system of election administration.

Throughout the life of HAVA, both the House and the Senate have sought input from all of the organizations in this coalition and have worked hard to balance the needs and interests of all parties. This amendment, however, has not gone through any of the normal information gathering or deliberative processes. For example: hearings have not been held in committee; interested organizations and individuals have not had an opportunity to comment, and election officials have not been given the opportunity to address how this provision would be administered.

In addition, issues like voter identification have been highly divisive. HAVA expressly recognized the states' right to address the voter ID question through the state legislative process, in a manner consistent with federal and constitutional law. The McConnell amendment would undermine the intent of HAVA in this area. Also, with growing uncertainty at the state level about implementing the REAL ID program in its current form, it is irresponsible to alter and expand the original purpose of the REAL ID's reach as contemplated by the Congress.

For the above reasons, we urge you to reject the McConnell amendment. Thank you for your consideration. If you have any questions, please feel free to contact Susan Parmis Frederick of the National Conference of State Legislatures at (202) 624–3566, Rob Randhava of the Leadership Conference on Civil Rights at (202) 466–6058, or any of the individual organizations listed below.

Organizations Representing State and Local Election Officials:

Council of State Governments; National Association of Counties; National Conference of State Legislatures; National Association of Latino Elected and Appointed Officials Educational Fund.

Civil and Disability Rights Organizations:

AARP; Alliance for Retired Americans; American Association of People with Disabilities; American Association on Mental Retardation; American Civil Liberties Union; American Council of the Blind; American Federation of State, County and Municipal Employees, AFL–CIO; Americans for Democratic Action; Asian American Justice Center; Asian American Legal Defense and Education Fund; Asian and Pacific Islander American Vote.

Asian Law Caucus; Association of Community Organizations for Reform Now (ACORN); Brennan Center for Justice at NYU School of Law; Center for Civic Participation; Center for Community Change; Common Cause; Consumer Action; Demos: A Network for Ideas and Action; Fair Immigration Reform Coalition; Friends Committee on National Legislation; Immigrant Legal Resource Center.

Japanese American Citizens League; Judge David L. Bazelon Center for Mental Health Law; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; League of Rural Voters; League of Women Voters of the United States; Mexican American Legal Defense and Educational Fund; NAACP Legal Defense & Educational Fund, Inc.; National Association for the Advancement of Colored People (NAACP); National Center for Transgender Equality; National Congress of American Indians.

National Council of La Raza; National Disability Rights Network; National Korean American Service and Education Consortium; People For the American Way; Project Vote; Service Employees International Union; The American-Arab Anti-Discrimination Committee; The Arc of the United States; United Auto Workers; United Cerebral Palsy; U.S. Student Association.

Mr. DODD. Mr. President, I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI).

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

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—48

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Byrd	Johnson	Pryor
Cantwell	Kennedy	Reed
Carper	Kerry	Reid
Chafee	Kohl	Salazar
Clinton	Landrieu	Sarbanes
Conrad	Lautenberg	Schumer
Dayton	Leahy	Stabenow
DeWine	Levin	Sununu
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Wyden

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Murkowski
Allen	Ensign	Roberts
Bennett	Frist	Santorum
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burns	Hagel	Snowe
Burr	Hatch	Specter
Chambliss	Hutchison	Stevens
Coburn	Inhofe	Talent
Coleman	Isakson	Thomas
Collins	Kyl	Thune
Cornyn	Lott	Vitter
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—3

Cochran	Enzi	Rockefeller

The motion was rejected.

Mr. ALEXANDER. Mr. President, although I share some of the concerns of the senior Senator from Massachusetts, I voted against tabling the McConnell amendment because I believe we need a voter identification card to reduce voter fraud. I support an appropriate identification card for Americans but did not support the REAL ID Act because I was concerned it would impose an unfunded mandate on the States and that the deadline for compliance was unattainable for most States. I still hold those concerns, but it is clear now that the REAL ID is to become the Federal standard. I hope the Senator from Kentucky and others will work to address these concerns in conference—and during the appropriations process—so that a realistic deadline can be set and sufficient funding provided to the States so that they may comply with this federal mandate.

Mr. KENNEDY. Mr. President, what is the business before the Senate at the present time?

The PRESIDING OFFICER. The next order of business is a vote on the cloture motion.

The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the cloture vote, the Senate stand in recess until 12 noon to accommodate the joint meeting with the Prime Minister of Israel and that the time count postcloture.

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

Mr. LEAHY. Mr. President, I hope that this morning we will begin to draw to a close the Republican filibuster against comprehensive immigration reform. I have been encouraged that since our return to this legislation this month, the President has spoken out in favor of comprehensive immigration reform with an essential component being a realistic path to earned citizenship for those who work hard, pay their taxes, and contribute so much to our American way of life. When Republicans filibustered against two cloture votes last month, including one on a motion by the Republican Leader, I was disappointed. I had hoped we would recognize the lawful, heartfelt protests of millions against the harsh House-passed criminalization measures. While they waved American flags, some of those fueling anti-immigrant feelings burned flags of other countries. I hope that through this debate we have been able to convince enough Senate Republicans to join us in our efforts and to appreciate the contributions of immigrants to our economy and our Nation.

This bill is not all that it should be. Yesterday we short-circuited efforts to make it more flexible for those persecuted around the world. This country has had a history of being welcoming to refugees and those seeking asylum from persecution. Yesterday the Senate turned its back on that history by refusing to allow the Secretary of State the flexibility needed after restrictive language was added by the REAL ID Act to our laws. I hope Senators will reconsider these issues with more open minds and hearts and a fully understanding of the lives being affected. Sadly too, many were spooked by false arguments.

I have made no secret that I preferred the better outline of the Judiciary Committee bill. The bill the Senate is now considering is a further compromise. Debate and amendments have added some improvements and some significant steps in the wrong direction. Besides the failures yesterday to readjust its asylum provisions to take into account the realities of oppressive forces in many parts of the world, I was most disappointed that the Senate appeared to be so anti-Hispanic in its adoption of the Inhofe English amendment. Yesterday Senator SALAZAR and

I wrote to the President following up on this provision and the comments of the Attorney General last week and weekend. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order 13166. A prompt and straightforward affirmative answer can go a long way toward rendering the Inhofe English amendment a symbolic stain rather than a serious impediment to immigrants and Americans for whom English is a second language. I ask consent that a copy of our letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. LEAHY, There are growing rumors that some who oppose comprehensive immigration reform will not be deterred by a supermajority vote for cloture and are considering various procedural points of order to delay or derail Senate action in the Nation's interest. I hope they will reconsider and join with us in a constructive way to enact comprehensive immigration reform. We do not need more divisiveness and derision. This bill is not the bill I would have designed. It includes many features I do not support and fails to include many that I do. Nonetheless, I will support cloture and will continue to work to enact bipartisan, comprehensive immigration reform.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 23, 2006.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: Last week over my objection the Senate adopted an amendment to the comprehensive immigration bill that seeks to place restrictions on the Government and its communications in languages other than English. I was extremely disappointed that your Administration did not speak out against the divisive amendment and help us work to defeat it.

Attorney General Gonzales said after the fact that you have ''never been supportive of English only or English as the official language.'' The Attorney General indicated over the weekend that his reading of the Inhofe amendment ''would not have an effect on any existing rights, currently provided under federal law.'' I note that you continue to use Spanish on the official White House website, indeed you include a translation into Spanish of the radio address you gave last Saturday on immigration.

I write to ask whether you intend to continue to adhere to Executive Order 13166 if the Inhofe amendment is enacted into law. This Executive Order was adopted by President Clinton in August 2000 to improve access to federal programs and activities. In 2002, your Assistant Attorney General for Civil Right reaffirmed support for the Executive Order and indicated that your ''Administration does not plan to repeal Executive Order 13166.'' What would be the effect, if any, on Executive Order 13166 and its implementation if the Inhofe language adopted by the Senate were to become law?

Respectfully,

PATRICK LEAHY,
Senator.

KEN SALAZAR,
Senator.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 414, S. 2611: a bill to provide for comprehensive immigration reform and for other purposes.

William H. Frist, Arlen Specter, Larry Craig, Mel Martinez, Orrin Hatch, Gordon Smith, John Warner, Peter Domenici, George V. Voinovich, Ted Stevens, Craig Thomas, Thad Cochran, Judd Gregg, Lindsey Graham, Norm Coleman, Mitch McConnell, Lamar Alexander.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2611, the Comprehensive Immigration Reform Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The yeas and nays resulted—yeas 73, nays 25, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—73

Akaka	Feinstein	McConnell
Alexander	Frist	Menendez
Baucus	Graham	Mikulski
Bayh	Gregg	Murkowski
Bennett	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Hatch	Nelson (NE)
Boxer	Hutchison	Obama
Brownback	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Chafee	Kennedy	Salazar
Clinton	Kerry	Sarbanes
Cochran	Kohl	Schumer
Coleman	Kyl	Smith
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Cornyn	Leahy	Stabenow
Craig	Levin	Stevens
Dayton	Lieberman	Thomas
DeWine	Lincoln	Voinovich
Dodd	Lott	Warner
Domenici	Lugar	Wyden
Durbin	Martinez	
Feingold	McCain	

NAYS—25

Allard	Crapo	Santorum
Allen	DeMint	Sessions
Bond	Dole	Shelby
Bunning	Dorgan	Sununu
Burns	Ensign	Talent
Burr	Grassley	Thune
Byrd	Inhofe	Vitter
Chambliss	Isakson	
Coburn	Roberts	

NOT VOTING—2

Enzi Rockefeller

The PRESIDING OFFICER (Mr. VITTER). On this vote, the yeas are 73, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I now be recognized to use my leader time and following my comments the Senate recess under the previous order.

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

Mr. FRIST. Mr. President, for the information of our colleagues, we will be having the joint session shortly, after which, with cloture successfully invoked, we will begin the 30 hours of debate on the immigration bill. I am pleased with the outcome of the vote that we just took. We are on a glidepath to complete the immigration bill, a comprehensive bill. Still, we will have the opportunity to have a number of amendments. In fact, there are a lot of amendments to be considered over the course of the day.

WELCOMING ISRAELI PRIME MINISTER EHUD OLMERT

Mr. President, today the Congress does have the pleasure in a few moments of welcoming Israeli Prime Minister Ehud Olmert to address a special Joint Session of Congress. This is his first visit to Washington as Prime Minister, and he will be only the fourth Israeli Prime Minister ever to address both Chambers.

The honor is mutual. We look forward to listening to his remarks in a few moments. Following his speech, the Speaker of the House, Speaker HASTERT, and I, along with a number of our colleagues, will host the Prime Minister for a bipartisan bicameral leadership lunch.

Ehud Olmert was sworn in as the 12th Prime Minister of Israel on May 4 after a tragic stroke incapacitated Prime Minister Ariel Sharon in January. In late March he assumed the leadership of Ariel Sharon's Kadima party, and led it to victory in Israel's national elections. His party won the largest share of seats in the Israeli Knesset, elevating Mr. Olmert to the Prime Ministership with responsibility for governing Israel's next coalition government. His Cabinet was sworn in this month and includes members of the largest opposition party, the Labor Party. I spoke with the Prime Minister in April to congratulate him on his and the Kadima party's victory.

Today it is my privilege to welcome him to the United States Capitol.

Since its founding nearly 60 years ago, Israel and the United States have enjoyed a special and exceptionally strong relationship. Shared historical and cultural ties have bound our countries together. For nearly six decades,

America's commitment to Israel's security has been one of the principal pillars of U.S. policy in the Middle East.

Today, Prime Minister Olmert faces great challenges. In January's Palestinian legislative elections, Hamas won a majority of parliamentary seats. Hamas is a known terrorist organization that has called publicly for Israel's destruction. It has repeatedly demonstrated its willingness to employ violence and terrorism in pursuit of this objective.

On April 17, a Palestinian suicide bomber killed nine people in an attack in Tel Aviv during the Passover holiday. The Hamas government refused to condemn the bombing.

Here in Congress we share the view that Hamas is a terrorist organization and needs to take substantial steps to become a partner for peace. We are in agreement that Hamas must recognize Israel, renounce its violence and terrorism, disarm its militias, and abide by all previous agreements with Israel, including the roadmap for peace. Until Hamas meets these conditions, foreign assistance for the Hamas-led Palestinian Authority will not be forthcoming.

Since taking office, Prime Minister Olmert has repeated his desire to negotiate an end to this conflict. In fact, he has stated that negotiations with a credible peace partner that is genuinely and demonstrably committed to a peaceful two-state solution and that will end terrorism against Israel is ''the most stable and desired basis for the political process.''

The Prime Minister has stated that he will allow time for a credible peace partner to emerge in the Palestinian Authority, and like his predecessor, he has demonstrated the willingness and ability to make the difficult decisions necessary for peace in the Middle East. I hope Prime Minister Olmert will continue along this path and get the peace process back on track. I commend the Prime Minister for his leadership in the months since former Prime Minister Sharon's stroke. He can be assured of our continued support.

The United States is proud to be a friend and ally to the people of Israel. The Prime Minister's visit to the Capitol today underscores our strong bilateral relationship. My colleagues and I look forward to working closely with the Prime Minister and his new government to achieve the vision of two democratic states, Israel and Palestine, living side by side in peace and security.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon.

Thereupon, the Senate, at 10:28 a.m., took a recess, and the Senate, preceded by the Secretary of the Senate, Emily Reynolds, and the Deputy Sergeant at Arms, Lynne Halbrooks, proceeded to the Hall of the House of Representatives to hear the address by the Prime Minister of Israel, Ehud Olmert.

(The address delivered to the joint session of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12 noon, the Senate reassembled and was called to order by the Presiding Officer (Mr. COBURN.)

The PRESIDING OFFICER. In my capacity as a Senator from Oklahoma, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—CONTINUED

AMENDMENT NO. 4085

Mr. KENNEDY. Madam President, I make a point of order that the amendment of the Senator from Kentucky is not germane under rule XXII.

The PRESIDING OFFICER. The point of order is sustained.

Mr. KENNEDY. I thank the Chair.

Madam President, in accordance with the agreement that was entered into yesterday, the Senator from West Virginia is prepared to address the Senate on mine safety and then to debate his amendment. I look forward to that discussion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, what is so lovely as a day in June? I repeat my question. What is so lovely as a day in June? Of course, the Presiding Officer, who graces the Chair this afternoon, she is—I have said enough. People have caught on already. I am talking about somebody who is as lovely as a day in June. But beauty is in the eye of the beholder, they say.

MINE SAFETY

Madam President, this morning the Senate unanimously passed critical mine safety legislation in response to the coal mine tragedies that robbed the State of West Virginia of 18 of its sons this year. A process that began with the introduction of the West Virginia delegation's mine safety bill has taken a significant step forward today. We have learned from the tragedy at Sago, and we have learned from the subsequent mining fatalities in West Virginia, Kentucky, Utah, Alabama, and Maryland.

If the House acts quickly on legislation and the Federal mine regulators are quick in implementing the bill, the miners of our Nation, the miners of our country, will soon have the oxygen—yes, the oxygen—communications, and rescue teams necessary to save lives and to prevent future tragedies. We saw in Kentucky over the weekend that these mine accidents can happen at any time, so the Senate's quick and unanimous passage of the Senate committee-reported bill this morning is greeted by all who mine coal with welcome relief.

On behalf of the many grateful coal miners and their families in West Virginia, I thank the chairman and ranking member of the Senate Committee on Health, Education, Labor and Pensions, Senators MIKE ENZI and TED KENNEDY. I thank them, yes, I do, on behalf of these people.

I was raised in the home of a coal miner. I married, 69 years ago, the daughter of a coal miner. I know about the lives—the joys and the sadnesses that come to the lives—of the men and women who work in the mines. They are a special breed. They are going to a mine, where an explosion has just occurred, to risk their own lives for other men and women who may be trapped in that mine. A special breed.

So I thank Senators ENZI and KENNEDY for their great work. They have performed a mission. I also thank Senators ISAKSON and MURRAY, the chairman and ranking members of the full committee and the Subcommittee on Employment and Workplace Safety, who committed themselves to the task of producing a mine safety bill. They were unyielding in that effort.

Along with Senator ISAKSON, Chairman ENZI and Senator KENNEDY visited the Sago and Alma mines in West Virginia. Yes, they did. I thank them again. Along with Senator ISAKSON, Chairman ENZI and Senator KENNEDY visited the Sago and Alma mines in West Virginia. They talked with the families of those who had perished. What a sad day. They took a personal interest in the safety of the coal miners of my State.

When it came time to draft a committee bill, the chairman and ranking member graciously solicited the ideas of Senator ROCKEFELLER and myself. Senator ROCKEFELLER has been away for a while recovering from back surgery. He has been away for several weeks now. Senator ROCKEFELLER is a true friend of the coal miners of West Virginia and the miners throughout the Nation. Senator ROCKEFELLER has been recovering from back surgery for several weeks now, but he contributed much—yes, much—to the discussions that produced this bill.

Even in recovery, JAY ROCKEFELLER, my esteemed colleague, is a strong presence. He has been and is a strong presence in the Senate, and throughout his career he has been a very forceful advocate for the safety of coal miners, the miners of West Virginia.

With Senate passage today, our hopes are high that the House of Representatives will act quickly on legislation that can be enacted into law. The sooner Congress passes legislation, the safer our coal miners will be at work, and the greater the likelihood the future disasters can be prevented. Our Nation's coal miners and their families deserve no less.

AMENDMENT NO. 4127

Madam President, I will be offering the Byrd-Gregg amendment to fund border security and interior enforcement efforts. For those Senators who want to secure the borders, here me now, those Senators who want to secure the borders, this is the amendment that will help to provide a source of funding to make it happen.

Of the 12 million illegal aliens in the country, it is estimated that one in four were lawfully admitted to the United States, but they overstayed their visas to remain here illegally. Of the 19 terrorists who carried out the September 11 attacks, 4 were illegal aliens who had overstayed their visas. Let me say that again for emphasis: Of the 19 terrorists who carried out the September 11 attacks, 4 were illegal aliens who had overstayed their visas. They came as students, tourists, or business travelers.

It is estimated that 400,000 illegal aliens who have been ordered deported by an immigration judge have disappeared—get that—disappeared into the interior of the country. Let me say that again: It is estimated that 400,000—yes, you heard me, 400,000—illegal aliens have been ordered deported by an immigration judge but have disappeared, have faded into, have blended into the interior of the country.

Our border and interior enforcement personnel have asked for additional resources and personnel to apprehend and deport these aliens, but those law enforcement agencies have consistently been made to do with less than what they need to do their job. It is a dismal record.

To make matters worse, the pending bill grants amnesty to up to 12 million illegal aliens by rewarding them with temporary worker status. The expectation and promise is that many of these illegal aliens who have already successfully circumvented our immigration laws will eventually adjust their status to legal permanent resident or leave the country when their temporary worker status expires.

Given the failure to prevent other immigrant workers from overstaying their temporary visas in the past, it is difficult to take such assurances seriously. The pending bill authorizes appropriations of $25 billion—that is a lot of money—over the next 5 years for border and interior security efforts. Yet there is little hope that such funds will ever be made available.

The President has consistently underfunded—yes, Senators heard me correctly—the President has consistently underfunded border and interior enforcement in his annual budgets, and he has consistently opposed efforts to replace those funds in the appropriations process. The funding for our border and interior enforcement agencies has been so severely neglected that the President has been forced to deploy the National Guard to our southern border with Mexico. This is a real national security threat that will grow alarmingly worse if this amnesty proposal is carried into effect. Our border security requires real resources not more unfunded mandates.

Today, I offer an amendment, along with Senator GREGG, my esteemed colleague—when I say ''esteemed'' I say that with great fervor, my esteemed colleague—the chairman of the Committee on Homeland Security Appropriations, to help provide a source of funding to secure our border.

The Byrd-Gregg amendment, or the Gregg-Byrd amendment, would require the illegal aliens who would benefit from this amnesty bill to help pay its costs. What is wrong with that? It would require the illegal aliens who would benefit from this amnesty bill to help pay its costs. That sounds pretty good to me. It would require illegal aliens to pay a $500 fee before gaining any benefit from the amnesty provisions of this bill. That is not too high a fee. This fee would be in addition to the other fees and penalties included in this bill.

The Gregg-Byrd amendment would dedicate those moneys to the appropriations accounts where border and interior security efforts are funded. Our amendment makes available almost $3 billion.

That is no small sum of money: $3 billion. That is $3 for every minute since Jesus Christ was born; $3 for every 60 seconds since our Lord and Saviour Jesus Christ was born. That is a lot of money.

Our amendment would make available almost $3 billion in the next 2 fiscal years to apprehend and detain those aliens who are inadmissible and deportable under the Immigration Act. It would make funds available to help our Border Patrol acquire border sensor and surveillance technology. It would provide funds for air and marine interdiction, operations, maintenance, and procurement; for construction projects in support of U.S. Customs and Border Protection, to train Federal law enforcement personnel, and for maritime security activities.

These are essential border security equipment needs that have been neglected for too long—too long—and continue to be neglected. So I think it is only fair and appropriate that the illegal aliens who have created the need for these funds help to finance them. Yes, this is a necessary amendment if Senators hope to secure the border.

The Byrd-Gregg amendment would help to provide some certainty that the law enforcement mandates of this bill would be carried into effect. It is not enough to authorize border security. We need to fund it. We need to fund border security. The Senate must ensure that the aliens who are supposed to leave are made to leave, and that the agencies charged with that responsibility have the resources that those agencies need to do their job.

I urge the adoption of the Byrd-Gregg amendment.

Madam President, I call up amendment No. 4127.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. GREGG, proposes an amendment numbered 4127.

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

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

The amendment is as follows:

(Purpose: To fund improvements in border and interior security by assessing a $500 supplemental fee under title VI)

On page 537, between lines 2 and 3, insert the following:

SEC. 645. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations–

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

Mr. BYRD. Madam President, I ask unanimous consent that Senator THOMAS be added as a cosponsor.

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

Mr. SPECTER. Madam President, I wonder if I might inquire of the distinguished Senator from West Virginia if he would be willing to enter into a time agreement on the amendment.

Mr. BYRD. Madam President, I would. May I defer to my distinguished colleague, Mr. GREGG, that he might speak at this time on the amendment.

Mr. SPECTER. Of course. But if we could enter into a time agreement, I would suggest 1 hour equally divided. We are trying to work through—no one knows better than Senator BYRD, who was the distinguished majority leader

for many, many years, and the President pro tempore, what is involved in trying to work through time agreements. I do not know that we will need all that time, but it would be my suggestion, if it is acceptable to you, I say to Senator BYRD and Senator GREGG, that we have a 1-hour time agreement equally divided.

Mr. GREGG. It is fine with me.

Mr. BYRD. I would be agreeable to a time agreement. And I believe my colleague, Senator GREGG, would be willing—he has nodded in the affirmative.

Mr. SPECTER. Then I propose a unanimous consent request, Madam President, on the Byrd-Gregg amendment, that there be a 1-hour time agreement, with no second degrees in order, and that the 1 hour be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Madam President, did I hear the Senator include the provision that there be no second-degree amendments?

Mr. SPECTER. I did.

Mr. BYRD. I thank the Senator. That is fine.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, may I inquire of the floor manager, on a separate matter. I am going to speak, obviously, to this amendment which Senator BYRD has offered, which I am happy to cosponsor. If I could get the manager's attention, I ask unanimous consent that after we complete this amendment we go to my amendment, that I offer with Senator CANTWELL, as the next piece of business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Thank you.

Madam President, I join with Senator BYRD in sponsoring his amendment, which is a right and proper amendment in the context of the cost of containing our borders and the fact that most of that cost is incurred as a result of illegal activity occurring on the borders and especially people coming across the borders illegally.

The amendment essentially adds $500, which, as I understand it, the way it is constructed, will not be actually called upon unless the Appropriations Committee determines that it needs the money in order to improve border security. It is likely it will be called upon because we do need those funds to improve border security.

The total amount this would raise, as the Senator from West Virginia has pointed out, is about $3 billion—$2.8 billion. That is a lot of money, as he pointed out—$3 for every minute, I think he said, since the birth of Jesus. It is, however, only a small portion of what is going to be necessary in order to properly secure the borders.

We know, for example, that it will cost us about $2 billion to move forward with fully implemented sensor and surveillance technology on the border. We know it will cost approximately $2 billion, in addition to the $2 billion I just mentioned, to do a fully integrated communications system on the border. And we are talking just the southern border. We know that in order to upgrade the air fleet, which is extremely aged—the P–3s being almost 40 years over their useful life and the helicopters being 20 years over their useful life—it will cost $2.4 billion.

So there is a great need for funds to adequately secure the border. I think we have all agreed in this Senate—and I think it is the consensus of the American people—that the first effort in the area of controlling illegal immigration should be the securing of our borders, and especially our southern border, which has been the point of most concern relative to illegal immigrants coming across the border.

So this amendment says, if you are going to obtain citizenship in what has been described as earned citizenship, an element of that earning of citizenship—since you are already here illegally, according to the 12 million people who would be qualified for this and be subject to this additional fee—an element of earning that citizenship is to pay a fee, much as you would pay a fine for violating the law, which is what happened here. In addition, of course, they go to the back of the line, and they have to show so many years of having worked here in the United States in a constructive way, and they cannot have violated American laws.

But part of the element of earning that citizenship is to pay a fine. What we are suggesting is that in addition to the base fine—which is presently now, I believe, at $2,750, after all the amendments on the floor—we would add an additional $500. So the fine would essentially be—or the fee, however you want to describe it; depending on which side of the debate you are on, we use different terminology, but it is the same thing—the person seeking to change their status from illegal to legal would have to pay this fee. It would be $3,250 total, $500 of which would go to helping us secure the border so we would not have this problem in the future of so many illegals coming across the border.

It is not an exceptional amount of money. Some people are going to argue that it is too much money to ask people to pay. That is really not a lot of money to pay to get in line to become an American citizen. It is a fairly reasonable request, in light of the fact that they are already here, they have a job, they are earning money, they are taking advantage of our society, and now they want to participate in the society as legalized citizens. Having come in illegally, it is reasonable to ask them to pay this additional fee. So this $500 which is being proposed by Senator BYRD is both reasonable in the context of what people should be asked to pay and very important in the context of doing an adequate job of protecting our border.

Senator BYRD has been one of the most aggressive and effective advocates for a long time for beefing up border security. He has offered amendment after amendment to try to accomplish this. I have greatly respected and, obviously, have enjoyed working with him on the Subcommittee on Homeland Security relative to trying to improve the borders and relative to all things that committee addresses. But this has been a special focus of his, and he understands this issue.

This amendment reflects that understanding, that for all the good intentions and all the good words, if they are not backed up by resources—a point I have made on this floor innumerable times, and which is made by this amendment—you simply cannot accomplish your goal. The goal, obviously, is to secure the southern border so that, to the extent you can do it, you limit people coming in here illegally through the use of an intelligent border security system. That means electronics. That means boots on the ground. That means adequate aircraft. That means adequate unmanned aircraft. And that means adequate Coast Guard.

But it all takes dollars. As the Senator from West Virginia has pointed out, the dollars simply have not been in the pipeline. The dollars are not in the pipeline. As I have mentioned before on this floor, the budget which was sent up by the President, by the administration, requested additional commitment to the border, but they used a plug number in the sense that they expected to pay for that with $1.2 billion in increased fees for people flying on airplanes. That is not going to happen. Those fees are not going to happen. And it is reasonable they should not happen.

People flying on airplanes are not crossing our border illegally. People flying on airplanes are not using land transportation into this country. The land transportation security system should not be paid for by the air traffic security system. The air traffic security system should pay for itself, and to a great extent it does through the taxes put on people who are flying. The TSA is paid for, in large part, by that. But we should not increase further the taxes on people flying and then take that money and use it on the borders to support land transportation security.

I have suggested that maybe we should put a toll down on the border. It costs me 75 cents to go from Nashua, NH, to Manchester, NH, which is about 18 miles. With the cost of 50 cents to come across the border, we could raise this money. That was objected to. There are some treaty issues there, and also some cultural issues.

But there is another approach, and it is a good approach. It is to say to the people who abused our border, who took advantage of the fact we did not have adequate security on our border and came into our country illegally: Listen, when you want to put yourself

in the status of a legal citizen—go to the back of the line, earn your citizenship—part of that is to pay the cost of making the border secure.

So the Senator from West Virginia has come up with an excellent proposal. I strongly support it, and I certainly hope the Senate will support it as we go forward.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my distinguished colleagues, Senator BYRD and Senator GREGG, for offering this amendment.

The concern which I have is whether it will be counterproductive, in putting such an increased burden on the undocumented immigrants, that they will not come forward.

The fines and fees have been very carefully calibrated during the course of committee deliberation. On those who have been here for more than 5 years, we had assessed the fine or fee at $2,000, with $1,600 going to Border Patrol. With respect to those who were here 2 to 5 years, we have put on a fee of $1,000 less than those who were here more than 5 years because they have to return. And out of that $1,000, we have allocated $800 to border security. There are other fines, $500 for spouse and children on deferred mandatory departure and $400 on agriculture jobs adjustment status. It was the calculation of the committee, after considering the matter carefully, that that was the appropriate fine.

It would always be a good idea to find some other source of revenue to help defray expenditures from the general Treasury, but what we are trying to do here is to calibrate a system where we will achieve the objective of imposing fines as much as we think the traffic will bear and still bring the undocumented immigrants out of the so-called shadows and not create a fugitive class. I intend to stick with the committee recommendation which is the committee bill.

Therefore, as much as I respect and admire Senator BYRD, I am constrained, as chairman of the committee, to oppose the amendment. It is a judgment call as to what will be accomplished, a judgment call as to whether $2,000 is right or $2,500 is right or $3,000 is right. We don't want to get involved in an auction sale, obviously, but that is the position I take as manager of the bill.

Next in line is the Gregg amendment. We ought to be prepared to move to that amendment at the conclusion of debate on the Byrd-Gregg amendment. I don't know how much longer the distinguished Senator from West Virginia will want to speak or whether the Senator from Massachusetts will speak. A unanimous consent request is being typed up now. We have 14 amendments to go. We are working through time agreements. We would like to have Senators on the next amendment lined up. That would be Senator GREGG. Beyond Senator GREGG, the next amendment will be Senator LANDRIEU's amendment. So we give notice to Senator LANDRIEU that she should be on deck.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I regret that I was necessarily absent for a good part of the Senator's presentation. I am familiar with the issue. I applaud his concern about whether there are going to be adequate resources to deal with issues of enforcement, detention, and legal enforcement. These are all worthwhile undertakings. The real issue is, in the compromise legislation we are going to raise $18 billion. The Cornyn amendment adds between $5 and $6 billion. As I understand it, the Byrd amendment is $3 billion on top of that. And we have raised fees on immigrants quite significantly so that there will be a considerable additional burden.

About 35 percent of those who will be adjusting their status are overstays, and so they had nothing really to do with border security, although border security is enormously important. We can't reallocate the resources, the fines or fees, on people that had come across the border. It seems to me that these fees are enormously costly. Under the Cornyn amendment, it is going to be an additional payment for every child. We reach a point where we are talking about people of extremely modest means, reaching a ceiling. I think we crossed it even with the Cornyn amendment.

I reluctantly oppose the amendment. But I want to give assurance to the Senator from West Virginia that we will monitor this very closely. He is on our side the leader on the Appropriations Committee. We have talked over his general concerns on a wide range of issues relating to immigrants. We remember the border security issue of a couple years ago, and he was very involved in wanting to make sure of the integrity of the system. He was very involved in the debate on those questions. This subject matter is not a new matter for him. It is a matter of enormous importance. I hope we will be able to handle it under the existing provisions and we would not need the additional resources that are included in his amendment.

We want to give him assurance that we will keep in close contact with him to let him know what the current situation is, and we will always have an opportunity in the future to revisit it. I join with the Senator from Pennsylvania and hope that it will not be accepted.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have a unanimous consent request. It has been coordinated with the Democrats, and it is appropriate to propound it at this time.

I ask unanimous consent that following the debate in relation to the Byrd amendment, it be temporarily set aside and the Senate proceed to the following amendments: Senator GREGG, 60 minutes equally divided; Senator LANDRIEU No. 4025, 20 minutes equally divided; Senator HUTCHISON No. 4046, 30 minutes equally divided; Senator SESSIONS, Budget Act point of order and a subsequent motion to waive, 1 hour for Senator SESSIONS, 30 minutes for Senator KENNEDY, 30 minutes for myself; I further ask consent that following the use or yielding back of the above mentioned times, the Senate proceed first to a vote on the pending motion to waive the Sessions budget point of order, to be followed by votes in relation to the above listed amendments in the order offered; provided further that there be no second degrees in order prior to the votes, there be 2 minutes equally divided for debate between the votes, and finally, all votes after the first vote in this sequence be limited to 10 minutes in length, with the times for voting rigidly enforced.

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

The Senator from West Virginia.

Mr. BYRD. Madam President, the bill authorizes $25 billion over 5 years in appropriations. This amendment by Senator GREGG and myself funds $3 billion of that amount. This is a modest sum, a modest amendment, a modest fee increase that Senator GREGG and I are asking for. The pending bill would provide amnesty for the illegal aliens who would benefit from the bill. It would provide a path leading to U.S. citizenship. It would provide access to taxpayer-funded benefits such as Social Security, Medicare and Medicaid, unemployment compensation, food stamps. Illegal aliens who would benefit from the bill are getting a lot, significantly more than what they are being asked to pay into the system. I don't believe that it is too much to ask that they help to fix the border security system that they sought to undermine.

This amendment is specific. It targets those areas identified by the Homeland Security Appropriations Subcommittee that are most in need of funds. I also note that the Congressional Budget Office estimates that this bill would authorize $25 billion in appropriations over the next 5 years. Six billion of that is authorized for fiscal year 2007, and Senator GREGG and I, as the chairman and ranking member of the Homeland Security Appropriations Subcommittee, are going to be asked to fund many of these border security authorizations. We need a source of revenue with which to do it. So the purpose of this amendment is to provide a source of funding for our border security needs and to do it as quickly as possible.

This amendment would make almost $1 billion available for border and interior security needs for the fiscal year 2007, which the Appropriations Committee can provide this summer when it writes the bill. This amendment

would make another $2 billion available in the fiscal year 2008.

We can't afford to delay this critical funding any longer. I hope Senators will support this amendment.

(Mr. DEMINT assumed the chair.)

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. SCHUMER. 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. SCHUMER. I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

AMENDMENT 4114

Mr. SCHUMER. Mr. President, I see my good friend from New Hampshire coming to the floor to offer his amendment. I must rise in opposition to the soon to be pending amendment, which would essentially do away with the original purpose of the diversity visa program.

As a Member of the House, I helped create this program, which my colleague, Senator KENNEDY, created in the Senate in 1990. It had a very simple purpose, and that was this. Our immigration laws were based on family reunification and certain other qualifications, so there were whole ranges of countries from which people could not get visas. They tended to be European and African, even though the vast majority of Americans are descendents of Europeans and Africans. But because for several generations no people had come from those countries—the people were either third cousins or unrelated to people here—the family unification, a very noble purpose, took predominance and the overwhelming majority of immigrants came from the Caribbean, Latin America, and Asia. This diversity program was a small program, and it was intended to allow some from other countries to come. In fact, my city of New York has dramatically benefited from this program, and diverse countries such as Ireland, Poland, and Nigeria have had large numbers of immigrants to be able to come, set roots, and help the diversity of New York and of America.

So this is an excellent program. Nobody has said it has done a bad job. It is small. There are only about 50,000 visas a year. It is really based on the idea of new seed. I believe every immigrant is special because they, or all of us who descend from them, come from a special group of people who had the guts and the gumption to get off their butts and basically come to America. They said: I don't want to lead this disease-ridden, impoverished life. I am willing to come here and take a risk. That is one of the reasons America is a special place—the idea of bringing new seed to this country, people who are willing to risk everything, is great.

I have one example. I met a man named Napoleon Barragan, who probably would not qualify under this program. He founded 1–800–Mattress. It employs about a thousand people in Queens. I went to his office and saw this picture in which there were grass huts with kids playing in the front. He said: That is the village in which I was born in Ecuador. He said: Of all those kids, only one had the gumption, the guts to leave that impoverished, disease-ridden life and come to America. He said: Do you know who that was? I said no, but I had an idea. He said: Me. He went on to found a company that employs a thousand people.

My friend from New Hampshire and colleague from Washington say let's have more visas for highly educated people. I am all for that. But this bill puts a whole lot of visas in for that, and that is why groups as diverse not only as the NAACP and U.S. Conference of Catholic Bishops but the U.S. Chamber of Commerce, the National Association of Manufacturers, and I am even told that Microsoft opposes this amendment because they are very happy with the much needed increase in people who have certain skills and certain education. I think America should admit many more of those people but not at the expense of this small, successful program that guarantees that other countries, such as the Irelands, the Polands, and the Nigerias that are unable to have immigrants come in for family reasons, can get people to come into this country. So why can't we have both?

If you believe that immigrants are good for America, as I do, and you believe both highly educated people and new seed people are good for America, why do we have to rob Peter to pay Paul? As I said, Microsoft, which has led the charge for more highly educated people, such as engineers and scientists, to be allowed into this country, is not asking that this program be changed. These companies recognize, as Senator KENNEDY did in the Senate and as I did in the House a long time ago, that this country is better served by bringing immigrants from all over the world at all levels. We certainly need more scientists and engineers, but we also need new immigrants like Napoleon Barragan—ambitious people without money and a family connection—to come here and start new businesses.

The great thing about America is when you work hard, you benefit yourself, your family and, in that way, you benefit America. My own ancestors were immigrants. They didn't come here with advanced degrees. My father was an exterminator. I am a U.S. Senator. That says something great about America. But one of the things great about America is, again, we allow people from all over the world to come here.

So I plead with my colleagues, keep the diversity visa program. It is small, 50,000 a year. From all the groups that want more educated immigrants to come to America, we do not hear any need to take away from this program to add more. They are very happy with what Senator SPECTER has done in the bill, as am I, which is increase the numbers of H–1Bs and other visas for these folks. We can have both. We do not have to rob Peter to pay Paul.

As I ride my bike around New York City on the weekends, I see what immigrants do for America. This program has dramatically helped. Neighborhoods such as Woodlawn and Greenpoint have been revitalized by new Irish and Polish immigrants. Neighborhoods such as East Flatbush and Harlem have been revitalized by West African immigrants. We don't have to stop this program.

I urge my colleagues to vote no on a well-intentioned but misguided amendment and preserve the diversity program as well as other parts of the bill that allow more educated immigrants to come to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I am not sure of the status of my amendment. I understand there was a unanimous consent agreement that it would be limited to an hour in time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Am I to presume that the statement of the Senator from New York comes off of the opposition's time?

The PRESIDING OFFICER. After the amendment is offered, there is 1 hour equally divided.

Mr. GREGG. Would the Senator's statement be taken out of that time?

The PRESIDING OFFICER. By unanimous consent.

Mr. GREGG. First, Mr. President, I ask unanimous consent that from the previous order of the Hutchison amendment be 4101 rather than 4046 and that the time under that amendment be 40 minutes equally divided.

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

Mr. GREGG. I ask unanimous consent to yield back all time on the Byrd-Gregg amendment.

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

AMENDMENT NO. 4114

Mr. GREGG. Mr. President, I call up my amendment No. 4114.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4114.

Mr. GREGG. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree in science mathematics, technology, or engineering)

On page 345, between lines 5 and 6, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting ''and immigrants with advanced degrees'' after ''diversity immigrants''; and

(2) by amending subsection (e) to read as follows:

''(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

''(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

''(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.''.

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking ''paragraph (2), aliens subject to the worldwide level specified in section 201(e)'' and inserting ''paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

''(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

''(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.'';

(D) in paragraph (3), as redesignated, by striking ''this subsection'' each place it appears and inserting ''paragraph (1)''; and

(E) by amending paragraph (4), as redesignated, to read as follows:

''(4) MAINTENANCE OF INFORMATION.—

''(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

''(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2).''; and

(2) in subsection (e)—

(A) in paragraph (2), by striking ''(c)'' and inserting ''(c)(1)'';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

''(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

''(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

''(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

''(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

''(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.''.

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

Mr. GREGG. Mr. President, I ask unanimous consent that the time just allocated to the Senator from New York be applied against the time in opposition to this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, this amendment is offered by myself and Senator CANTWELL. The purpose of this amendment is really pretty simple. We as a nation are in the process of addressing how we handle the illegal immigrant situation and immigration generally. We are about to basically give a large number of people—10 million, maybe 12 million—who arrived here illegally the opportunity to get in line and earn their citizenship.

Those people, for the most part, don't have any unique skills that made them special to American society. They came here, they were willing to work—which is, of course, great—and they are hard workers, in most instances. We didn't seek them out because we felt they were going to create jobs in the United States. But we do have this program called the lottery program where we essentially say to anybody in certain countries which are alleged to be underserved and have few people, immigrating into this country: You can get into the lottery and you can get in line, get a green card, and become an American citizen.

There are 50,000 winners handed out every year. It just seems to us that if we are going to have such a program in the context of overall immigration reform, we ought to be saying that people who participate in this lottery are people who we as a nation actively need in order to make our Nation stronger socially and economically, rather than simply saying to everyone in the Ukraine: You can participate in the lottery. We might get a cab driver or an unemployed cab driver as a winner of the lottery.

We would say to the people in the Ukraine: If you have an advanced degree which America feels would be constructive to our society in making us a stronger society, then you can participate in the lottery.

What we have done is taken two-thirds of the lottery options, 33,000, and said for those alleged underserved countries, people with advanced degrees will be able to compete for those options. Then we left one-third for anybody to compete for the lottery status. This only seems to make sense.

If we listen to the debate on this floor, we hear a lot about outsourcing of jobs, the fact America is losing jobs overseas. What we are proposing essentially is to bring people into our country who create jobs because they have certain skills and abilities, certain talents which we as a nation know we need.

Take, for example, the issue of engineers. We are confronting a world where countries such as Japan and especially China are graduating literally four, five, six times the number of engineers we are graduating. We are just not producing enough people in the science disciplines to keep up with our needs as a nation to be competitive economically.

So it makes sense that we should go around the world and say to people who have these types of talents: If you want to come to the United States, we have certain programs we can use to help you come here. One, of course, is the H–1B program which, under this bill, has been significantly expanded and is an appropriate program. But in order to participate in the H–1B program, you must be a family member of somebody in the United States who will sponsor you or you have an employer who has said they want to bring that person to the United States to work for them.

What we are suggesting is there are countries where a lot of these American employers are not going to go because the return on their efforts isn't that high and there are a lot of places where people who have these degrees don't have family members in the United States, so they are totally shut out of their ability to participate in coming to America, even though they may have skills and talents which we in America feel strongly will help us.

Rather than have a lottery system which says to the unemployed cab driver in Kiev, You should have a chance to come to America, we are going to have a lottery system that says to the physicist in Kiev, You have a shot at coming to America.

This seems to make sense because it isn't as if we as a nation haven't already attracted to us a large number of unskilled people. We already have that situation, and this bill is trying to address that situation. We literally have millions of unskilled people who are going to be put in line for American citizenship under this bill. It would be appropriate, therefore, it seems, to take this small number of people who can't qualify to come here, even though they may have the skills we need, because they don't have a family member and they don't have an employer sponsor and say to those folks: Yes, we are going to give you the opportunity to come here, too, through participating in this lottery system. That is what this proposal does.

The idea that some of these nations that have been described as diverse—that is one of those nomenclature, feel-good, politically correct terms put on something when it doesn't make a lot of sense. In this instance, it has no applicability at all. The fact is, these countries which qualify under what is called the diversity lottery actually have a large number of people here illegally. Most of those people are unskilled. They have just shown up, they came here illegally, and they are going to be able to get in line now under this bill. So it makes sense that we should say to those nations—for example, we know that Poland has approximately 50,000 people here illegally. Most of them don't have unique skills. We should say: If you are in Poland and you want to come to the United States and you want to use the lottery system to come here, you have to have a skill we need as a nation in order to participate in that lottery.

It is estimated that there are almost 200,000 people from Africa who are in this country illegally and who are probably totally unskilled. What we are suggesting is bring a skill with you if you want to come to this country through the lottery system.

We are not suggesting these countries won't get their fair share of people who are the types that were described by the Senator from New York who come here with a desire to produce and be successful. Those folks may already be here illegally, and they will be able to get in line or they can compete for a third of the lottery system that is not going to be targeted toward talents that America needs.

What we are suggesting is that we should have a win-win situation. If we are going to set up a lottery, not only should the person who wins the lottery be a winner and win the right to come to the United States, but the people of America should be winners by attracting into the country people whom we have a pretty good idea are going to be able to contribute to the betterment of our Nation because they will bring their talents.

That is critical in this world today. As I mentioned before, we are confronting a world where our capacity to compete is tied directly to our brain power. We can't compete with the Chinese on labor because they have a billion more people than we have. But where we can compete with them is by producing ideas that are better, by taking ideas that are good and making them better, by adding value through talent and ability. So we should be attracting to America people who can help us do that. We should be going across the world and saying: Give us your best and your brightest; come here and participate in the American dream and raise the waters so that all the boats float higher.

This lottery system, to the extent it makes sense, should be built around that concept. It should not be built around the concept if you happen to have a high-school education or you happen to have held a job in 2 out of the last 5 years, you have some right to participate in a lottery to get into the United States. That makes no sense to us as a nation.

This is not a unique approach, by the way. In fact, most nations don't do what we do. We basically have an open approach to immigration. Most people require some qualifying talent in order to immigrate to those nations, especially western nations.

So with this small group, 50,000, as was pointed out—it is very small in the context of this entire bill when we are dealing with as many as 12 million people—in this small group, at least we should do it the right way because, who knows, one of those folks who comes to this country with an advanced degree in science or an advanced degree in medicine may be the person who produces the vaccine that saves us if we confront a terrorist attack or produces the next thought process or software process that creates the next engine of dramatic expansion in the telecommunications world or is the next Bill Gates of the world.

Attracting people who have talent and ability should be one of our purposes. In the context of a lottery system, it should clearly be our purpose. Lottery, by definition, means you should win, and not only should the people who win the lottery win, but the people who are basically underwriting the lottery should win, and the way Americans will win under the lottery system is to attract people who have a likelihood of contributing significantly to the betterment of our Nation.

That is why we propose this amendment. It is proposed by myself and Senator CANTWELL. Granted there have been some big issues discussed in this Chamber—this is not a big issue, but it is an issue of significance. I appreciate Senator CANTWELL being a cosponsor of this amendment. She comes from a State where commitment to high tech and intellectual property is something that has really built up that State and has been a great driver not only of the prosperity of Washington State, but of the whole Nation. So she understands the importance of this type of approach. I thank her for joining me in this approach of taking two-thirds of these available lottery slots and saying they should be made available to people from underserved countries, but people in those countries who have obtained degrees in the areas that we as a nation determine are important to continuing to promote our prosperity as a culture and as an economy.

I reserve the remainder of my time.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is available, 10 minutes, 5 minutes?

The PRESIDING OFFICER. There is 19 minutes remaining for the proponents of the bill.

Mr. GREGG. I yield 5 minutes to the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Hampshire. I simply want to say that if I were a teacher and giving out grades for commonsense amendments to the immigration legislation, I would give the Gregg-Cantwell amendment an A-plus. I think everyone listening and thinking about this issue would feel the same way.

Here we are in the United States of America at a very competitive time where we earn 25 percent of all the money in the world for just 5 percent of the people, and we know how we do that. We do it primarily through brain power. Eighty percent of our new jobs since World War II have come from our advantage in science and technology. Of course, we grow a lot of our own brain power, but increasingly we have been insourcing.

Mr. President, of the 100 American Nobel Prize winners in physics, 60 of them are immigrants or children of immigrants. Go down to the Oak Ridge National Laboratory in Tennessee, which is the largest science laboratory in America. The top three positions are held by people with green cards, foreign nationals. There is a man at Oak Ridge who is one of those three who is in charge of the United States effort to recapture the supercomputing lead in the world, which we lost to Japan. He is a citizen of India. He has a green card.

So Senator GREGG and Senator CANTWELL, I think, are exactly right. They are saying that in this large immigration bill where we are talking about bringing millions of more people into the United States under certain conditions, two-thirds of the lottery tickets for 50,000 people ought to go to the highly educated persons from these underserved countries who then can come to our country and help us create a standard of living. It is in our interest to do this.

I am glad the Indian citizen is in Oak Ridge, TN, in charge of our supercomputing effort to lead the world. I am glad Warner von Braun came to the United States to help us win the space

race with the Soviets. I am glad that of the 100 Nobel Prize winners in physics, 60 of them are immigrants, are sons and daughters of immigrants. I want more of them to come to this country because I know what is going on in India, and I know what is going on in China.

Senator BINGAMAN and I, and many other Senators, Senator GREGG included and Senator KENNEDY has been a leader in this area as well, asked the National Academy of Sciences to tell us a year ago exactly what we need to do to keep our advantage in science and technology. They gave us a list of 20 recommendations.

Among the most prominent of those recommendations was, make it easier for the most talented men and women in the world to research and study in the United States of America and to stay here, not to run them off. We don't want them to go home; we want them to stay here. It is in our interest for them to stay here.

There are already two provisions in the underlying bill which help with that, both taken from the Augustine report, as we call it, ''Rising Above the Gathering Storm,'' by the National Academy of Sciences. But the Gregg-Cantwell provision is exactly in that spirit. I do not think it is too much to say that the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, who are worried about America's competitive position in the world, would think that the idea of making it easier for 35,000 or 37,000 of the best and brightest scientists in science, math, engineering, and computing to come, stay, live, work, and do research in the United States, create more jobs and raise our standard of living, I think they would give a big cheer. I bet they would give an A-plus. I am not authorized to give out A-pluses for anyone except myself. But I would think that all over America, those who know about the Gregg-Cantwell amendment, who know about our competitive position in the world, would say: Absolutely right. If we are going to have 50,000 more people coming in here, let's let them be the best and the brightest who can help create new jobs in America.

We heard plenty of speeches in this Chamber about outsourcing jobs. This is an amendment which insources brain power. Over the last half century, 80 percent of our new jobs have come from our advantage in science and technology. This would help us keep that. I would hope this would be a bipartisan amendment, strongly supported on both sides of the aisle, and would be adopted by the conference report and would become law. So I salute the Senator from New Hampshire and the Senator from Washington for their vision, and I am glad to cosponsor the amendment.

Mr. GREGG. Mr. President, I thank the Senator from Tennessee, who has been a leader on the issue of education and how we remain competitive in the world, for supporting this amendment and for coming down here and expressing his kind and very effective words with which I obviously totally agree.

The cosponsor of the amendment, Senator CANTWELL, can't get down here right now. I know Senator KENNEDY wishes to speak in opposition to the amendment. I understand we are not going to vote on this amendment or the other amendments until later this afternoon. I would suggest that we be allowed to reserve our time—if it is acceptable to Senator KENNEDY—we will reserve our time for Senator CANTWELL, even though it may not be taken with the time that is running right now, if that is agreeable.

Mr. KENNEDY. Mr. President, we would be glad to accommodate the Senator from Washington. As we know, we have a general order that we are going to vote on a number of these amendments at a certain time, but we will give the assurance—I will—that we will let her have her time prior to the vote. We can work that out.

Mr. GREGG. Mr. President, it might be as much as 15 minutes that she may wish to take.

Mr. KENNEDY. Whatever time remains on that side, as I understand, would be hers and we will accommodate her.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Mr. President, the diversity program is a small but vital part of our immigration system, and I urge my colleagues to preserve the program by voting against the Gregg amendment. This amendment would all but destroy the diversity visa program, which has served our country well and continues to do so. Yet it would have no meaningful effect on skill-based immigration, which is already favored by our immigration laws and is already being addressed elsewhere in the bill. That is why civil rights groups and ethnic groups are united with business groups in opposition to this amendment.

I understand the thinking behind the Gregg amendment, and there are a few people in the Chamber who have been more consistent supporters of high-skilled immigration than have I. I continue to support high-skilled migration, and the original McCain-Kennedy bill doubled the numerical limits on high-skilled, employment-based migration. I also supported additional changes in the Judiciary Committee to increase H–1B visa limits and to make it easier for H–1B immigrants to adjust to permanent status.

But the diversity visa program serves a wholly different purpose. The purpose of the diversity visa is not just to advance narrow economic interests but, rather, to preserve our very heritage as a nation of immigrants, a true melting pot. Unlike other visa categories, the diversity visa is not about whom you know or to whom you are related. It is a totally unique program because anyone with a high school diploma or 2 years of meaningful work experience can apply.

Without the diversity visa program, our family- and employment-based immigration system would ensure that virtually all immigrants to the United States would come from just a small handful of countries. The diversity program ensures that America continues to be a beacon to the entire world and not just to a dozen or so countries with high numbers of immigrants already living here.

This chart here behind me shows, right here on the left, that of the groups coming in now, 36.8 percent are Asian, 46 percent are Latin American; that is 85 percent coming from the Caribbean countries or from Asia. We have 10 percent from Europe, 3 percent from Canada, Oceania, and 3 percent from Africa. That is currently the mix that is coming here.

When we passed the 1965 act, we tried to provide 10,000 to 15,000 to each country so that we would have a flexible and diverse system. When we found out that for a variety of reasons we were getting this kind of a focus, what we did was develop a very modest diversity program so that other countries which were not participating, either with the very special skills or family relatives, would have an opportunity to come here. They had to demonstrate that they had a competency so that they were able to have skills which would make them active participants in our society. But it is limited to 42,000 as compared to 847,000, and look how it is distributed. It is an entirely different group. You have some from Africa, still have some from Latin America and Asia, but still a good many from Europe—essentially and effectively a different scene. That is what we are attempting to do.

Now, we have been reminded by others of the fact that, well, we need to get to the special skills. But I would mention to our friends who are concerned about that, this is 50,000. Now look at what we are doing in terms of the special skills. We have close to 750,000 to 800,000—800,000 in this legislation, but the diversity is only 42,000. No one could suggest that we haven't been sensitive to understand the importance of people with high skills and what they can do in terms of our economy, but they are effectively wiping out this diversity program.

Now, as you can see, the diversity visa is especially important when it comes to African immigration. Fewer than 4 percent of our family- and employment-based immigrants come from Africa, but almost 40 percent of the diversity visas are used for Africans. And even though only 1 in 20 green cards is a diversity visa, 1 in 3 green cards issued to an African is authorized through the program. One sure effect of the Gregg amendment is that it would substantially reduce African migration to this country. There is just no other

visa out there that would replace these flows. That is one reason the groups are opposed to the Gregg amendment, including the NAACP, the Coalition on Human Rights, the U.S. Conference of Catholic Bishops, the Leadership Conference on Civil Rights, the Irish Lobby for Immigration Reform, the Illinois Coalition for Migrant and Refugee Rights, and a number of other groups.

What does the Gregg amendment hope to accomplish in exchange for giving up this program? While the diversity visa program has unchecked symbolic importance and is an important mechanism to protect balance and equality in migration flows, it is tiny in comparison to the existing high-skill program because the rules already favor the skilled immigrants. Three different classes of employment-based visas are reserved for the skilled immigrants and five different temporary worker programs: the H–1B, the L visas, the P visas, the O visas, the TN visas. These visas are already set aside for skilled workers. These are offices of various international companies that come in here; a variety of different kinds of visas. Some on the H–1B are virtually effectively almost automatic to be able to go to a university site, to be able to teach. They are not counted within the H–1B. So all but one of the programs already admit more immigrants than the Gregg amendment would generate through this change.

Business groups oppose the Gregg amendment. I have letters from the Chamber of Commerce, the American Council on International Personnel, the National Association of Manufacturers, the Business Roundtable—all major business associations which support high-skilled immigration and all opposing the Gregg amendment.

So here is what the Gregg amendment would do. It would change the diversity program from a tiny slice of the pie to a minuscule slice. These are the two, the diversity visas being at the top. It is now a small group, which is gray in this setting, and you can look over here and it is still gray, but it is a fraction of what it is in terms of the diversity flows. The flows are already one-twentieth, just one-twentieth of high-skilled flows, and under the Gregg amendment, they would be cut to less than 2 percent. These charts actually understate what is going on by a wide margin because the underlying bill already roughly triples numerical limits on high-skilled immigrants. Is the benefit to high-skilled employers of an extra 37,000 visas really worth the price of eviscerating this successful program? Are we willing to give up so much to gain so little?

Another reason to oppose the Gregg amendment is that for millions of people around the world, the diversity visa has come to symbolize the American dream. Eight million people applied for this. Eight million people look to the United States and say: Maybe I will have a chance. I have to complete my high school or the equivalent of 2 years of college, so I have to meet those kinds of standards. I have to meet all the other national security standards. You have to demonstrate that you are not going to be a burden, an economic burden. But 8 million people in countries all over the world—all over the world—who look to the United States as being the country of hope and liberty have a crack at getting into the United States. Not much of one—42,000—but they have to come from the areas where we don't have large flows of immigrants coming in. That was the purpose, for the United States to be a diverse society, to be the true melting pot at the time.

This is just a very small kind of a program. We are going to sacrifice that aspect for 8 million people all over the world who think they may be the ones who have a shot at getting into the United States, and we will say: Oh, no, it is just going to be the highly skilled, when we have 800,000 of those already coming in here, three times as many as we have now. How many is enough? How many is enough? So the diversity visa program symbolizes what makes America great because with a little luck and hard work, anyone can succeed here. We are the only country that can say that.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. KENNEDY. I have how much time? Half an hour?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. KENNEDY. I will yield myself another 3 minutes.

An advanced degree is an income test in most of the world. The diversity program symbolizes what makes America great because, with a little luck and hard work, anyone can succeed here. We are the only country that can say that. By shifting most of the diversity visas to the world's privileged elite, the Gregg amendment will dash the hopes of those who dream of a better life. It would also shift the visas away from Africa and the developing world and toward wealthier European and Asian states. This would overturn the whole point of the program. Accepting the Gregg amendment would send a terrible message about what America is all about; not a land of opportunity but, rather, an exclusive club.

I believe our diversity is one of the greatest resources of our strength and one of the truly unique things about this country. In an earlier time our laws discriminated against those coming from major areas of the world. We eliminated the national origin quota system which discriminated against many of those who came from the Mediterranean basin. We eliminated the Asian Pacific triangle. In 1964 we had 127 individuals who came from Asia or from India or from Pakistan and those areas—127. We eliminated what we called the Asian Pacific triangle, which was the remnant of what this country faced in terms of the ''Yellow Peril'' part of our history in the early 1900s. What we have been trying to do is at least say to the world, if you have immediate family, we put a high priority on families. But also, if you have some special skills, fine. It means further employment.

But as we were looking at the further employment, I thought we were also trying to educate and train Americans to be able to fill those jobs. That is what I thought we were trying to do: Have this as a program so, right now, we have not got the Americans who can fill the very highly technical kind of jobs that are demanded because we have not given the training or the education. In the earlier H–1B we said we were going to have a training fee, we were going to put that fee in to train Americans to be able to take those jobs.

Oh, no, the other side says. Let's just drain the Third World of their smart people to come here. After we have gotten 800,000 special skills, let's drain them as well. It seems to me at some time we ought to say, How about those jobs for Americans? But it seems the mood and atmosphere is, Let's have as many of those bright people who come in here, and it doesn't make much difference. There is not much talk out here in the Senate about training and educational opportunities, investing in Americans. How quick it is, when it is just get more visas out there in the high tech area. Let's go ahead and do that.

This is wrong for a lot of reasons. I hope it will not be accepted. I believe diversity is one of our greatest sources of strength, one of the truly unique things about this country. In earlier times, as I mentioned, we discriminated against major areas in the world. In 1965 we reformed our immigration laws to get rid of those discriminatory quotas. In 1990 we acted again to ensure greater equality of immigration by creating the diversity visa program. The Gregg amendment would be a major step backward, and I urge my colleagues to reject it.

Mr. President, how much time do I have? I believe the Senator from Illinois is on his way.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining.

Mr. KENNEDY. I intend to yield a major part of that to the Senator from Illinois and then maybe retain a couple of minutes for response to the Senator from Washington when she addresses the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. As a point of inquiry, if I can get the attention of the Senator to Massachusetts, just for the point of clarification, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. GREGG. And 8 minutes is remaining on the side in opposition, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I ask unanimous consent that that time be set aside and we move on to whatever is the next matter, but that time be reserved for debate on this matter at whatever time the parties wish to pursue it later in the day.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KENNEDY. Mr. President, do I have 7 or 8 minutes?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I yield 6 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the Gregg amendment. This amendment would literally destroy the diversity visa program and threaten the jobs of American citizens. It would make worse the brain drain which is occurring now, where some of the most talented people from the poorest countries in the world are migrating to the United States.

This morning's New York Times had an important story, a story about how the United States, through this legislation and other efforts, plans to lure nurses from some of the poorest countries on Earth. I visited some of those countries. Senator BROWNBACK of Kansas and I were there just last December, in Democratic Republic of Congo. In the Congo there are only 7 doctors per 100,000. In the Eastern Congo, there is only one doctor per 160,000, and, I was told a surgeon is literally one in a million.

Think of the circumstances from which those doctors and nurses are being drawn to the United States. We can use the talent, that is for sure. But we have to understand that there is a zero sum here. We take the talent from somewhere that needs it desperately.

The diversity visa program which is currently in place is open to people of many talents. They may not have a Ph.D, and they may not have a medical degree. It may just be a very ambitious entrepreneur with a small shop somewhere in the world who is willing to wait in line for a chance to come to the United States and maybe open another shop here, a shop that may grow into a larger business, employ people and make a livelihood for him and his family. That is what the diversity visa program is all about, to provide immigration from people all around the world, those who otherwise might not come to the United States, and to continue to make America the most diverse country in the world. That is a fact which I think is one of our strengths and not one of our weaknesses.

Diversity visas open the door for thousands of people from around the world to come to America. We make 55,000 diversity visas available each year, and the draw of America is such that over 5 million people applied for those 55,000 visas in 2005.

The diversity visa program is the only opportunity to immigrate to the United States for many people from lesser developed countries, especially African countries. For example, of 55,000 diversity visas issued in fiscal year 2005, 10,000 went to African immigrants.

A recent article in the New Yorker magazine called the diversity visa program ''a splendid overseas marketing campaign for the American Dream.''

Let me give an example of one American citizen who came to this country under the diversity visa program, which would be destroyed by the Gregg amendment. His name is Army Specialist Sola Ogundele from Nigeria. He came to the United States and he joined the Army. He recently took his oath of citizenship in Iraq where he was serving the United States and risking his life for this country. Here is what he said.

I'm the happiest man on Earth today to be a U.S. citizen. I know the sky is the limit for me in the United States. I have absolute freedom to pursue my dreams.

People like Specialist Ogundele make the United States stronger, and make us proud. That is what the diversity visa program contributes to our country.

I am the son of an immigrant. I know when my grandparents brought my mother to this country at a very early age, they were looking for that American dream. I don't think they would have imagined the possibility that their grandson would be the 47th Senator in the history of the State of Illinois. That is what it is all about.

The Gregg amendment fundamentally alters the diversity visa program, setting aside two-thirds of these visas for immigrants who hold advanced degrees in science, mathematics, technology, and engineering, saying you can only be considered if you have an advanced degree. These set-asides would favor immigrants from wealthier countries and reduce the diversity of future immigration to our country. By bringing in more high-skilled immigrants, the Gregg amendment would also increase competition for jobs here, jobs like computer programmers and engineers.

The H–1B visa program already allows those with specialized education to come the United States. Why don't we keep the diversity visa program intact? Why don't we protect this program for the value that it brings to America?

The H–1B visa program already grants 65,000 visas to high-skilled immigrants every year. This bill would increase that number to 115,000, and allow that cap to increase by up to 20 percent per year. I am a little concerned, I might add, that the H–1B visa is entirely too generous. The Gregg amendment would add insult to injury, creating even more competition for Americans wanting to keep their jobs.

The Gregg amendment would essentially convert the diversity visa program into just another H–1B program, bringing many more highly trained competitive people to America. You can argue that is good for us. But, as I mentioned earlier, it is at the expense of someone else. I am concerned the Gregg amendment would really make this brain drain I have talked about even worse.

This bill already includes provisions that will increase the brain drain. The New York Times story I mentioned reports on a provision in this bill that will lift the annual cap on the number of nurses who can immigrate to our country every year. The article, which is headlined, ''U.S. Plan to Lure Nurses May Hurt Poor Nations,'' talks about the impact of importing nurses into the United States. They now have a situation in the Philippines where there are so many nurses needed in the United States that medical doctors in the Philippines are signing up to come to the United States as nurses, where they will be paid more than they are paid in the Philippines as doctors.

I need not tell you what that means for the people in the Philippines—fewer and fewer medical professionals that they desperately need. This bill already includes provisions that will increase the brain drain.

I want to tell you candidly, I have stood up for hospitals in Chicago, in poor areas, that needed nurses. I have even stood up and explained on the floor of the Senate why Filipino nurses should be given the chance to immigrate here. But I have second thoughts about that today, after what I read in the New York Times about what is happening in the Philippines and around the world. We have to think twice.

I have an amendment, the brain drain amendment, No.4090, which I hope will be considered by the chairman for inclusion in the manager's package. This amendment would take two modest steps to address the dire shortage of healthcare personnel in the least developed nations of the world.

In exchange for financial support for their education or training, some foreign doctors, nurses, and pharmacists have signed voluntary bonds or made promises to their governments to remain in their home countries or to return from their studies abroad and work in the healthcare profession.

My amendment would ask a simple question to healthcare professionals who are applying to work in this country: have you signed a commitment to work in your home country in exchange for support for your education or training? If they have made such a

commitment, they would be inadmissible until they have fulfilled this commitment.

Second, my amendment would allow doctors and nurses who are legal permanent residents of this country to work temporarily in developing countries without prejudicing their own immigration status.

Many immigrants who have come to this country would like to participate in the fight against global AIDS and other health crises. Under my amendment, they could lend their skills to the cause without sacrificing their own American dreams.

These small but important steps will not stop the brain drain, but they will signal American leadership in the effort to help stem the migration of talent from the poorest countries in the world to the richest.

The Gregg amendment, on the other hand, would increase the brain drain, reduce the diversity of immigration to the United States, and increase competition for jobs that Americans want. I will oppose the Gregg amendment and I encourage my colleagues to do the same.

I urge my colleagues to oppose the Gregg amendment and stick with the diversity visa program.

Mr. SPECTER. Mr. President, we are about to go to the amendment of the distinguished Senator from Louisiana, Ms. LANDRIEU, with 20 minutes equally divided. This is an amendment which relates to adoption procedures. It has been reviewed by both Senator KENNEDY and myself. We are prepared to accept it. But I understand there are some who oppose the amendment. If anybody wishes to speak in opposition, they ought to come to the floor now because we gave notice a couple of hours ago that this amendment was going to come up under the unanimous consent agreement after we concluded with the Byrd amendment. Anybody who wants to oppose the amendment should come to the floor at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized to control 10 minutes, with 10 minutes in opposition.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 4025

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. DEMINT, and Mr. CRAIG, proposes an amendment numbered 4025.

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

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

(The amendment is printed in the RECORD of Tuesday, May 23, 2006, under ''Text of Amendments.'')

Ms. LANDRIEU. Mr. President, I thank the manager of this bill for accepting this amendment and for basically agreeing to it. I am very hopeful that no one will show up and object to this amendment because it has broad bipartisan support. I offer it on behalf of myself, Senator DEMINT, Senator CRAIG, Senator BROWNBACK, and others who have worked for years to bring this amendment to a position of getting it approved on the Senate floor.

This amendment was actually started by one of our colleagues and a great mutual friend of many of us, Senator Don Nickles, the former Senator from Oklahoma, who spent a great deal of his career, besides being an expert in finance and budget matters, as a tremendous advocate for adopted children, for families with adopted children, and to make the process more accountable, more transparent, to remove the barriers to adoption, to remove any corruption associated with adoption, and, most of all, was such a ferocious and effective advocate for children who need homes.

We have millions of children around the world who need an opportunity for a family. When Senator Jesse Helms was here many years ago, Senator Helms and Senator JOE BIDEN led the joint bipartisan effort to pass a new treaty that was a model for the world, that was profound in its essence, that basically said children should be raised in families, not alone, not in a cardboard box, not in a ditch, not under a highway somewhere, not left alone but should be raised and nurtured by a family.

I do not know what took us so long to come to that. Governments do a lot of things well, but raising children isn't one of them. Children should be raised in a family.

They set about creating a treaty, which has now been agreed to by many countries in the world, to set up a process of international adoption which goes something like this: Every child should try to stay with the parents who bring them into the world, but if they are separated from those parents by death, disease, war, famine, violence, or perhaps in some cases, as we know, the terrible thing of parental abuse, and children have to be removed to keep them safe and keep them alive, then we need to find another home for those children as quickly as possible—in their extended family, the treaty says.

After that, if there is no extended family opportunity somewhere in the community, and if there is no family that can be found in the community, then some family in the country. But if no family can be found in that country suitable to raise a child with siblings, which is what the treaty says, to try to keep siblings together, then the children have a right to try to find a family somewhere in the world because, frankly, we are one human family.

I am so aggravated, as you can tell a little bit, that it has taken us so long to pass something that is quite so simple. I am very interested, if a Senator wants to come and debate this issue. We only have 10 minutes to debate it. I wish we had more time. I am going to be very interested if someone wants to debate this. I don't think a Senator is going to come and oppose it. We have been trying to pass it.

There are some objections by the State Department. When Senator Helms passed the original treaty, they didn't think this was a big enough issue for them. Of course, they have very serious issues to deal with—the war in Iraq and other things. But some of us think American citizens adopting children from all over the world deserve a little support from their own Government to get this done.

Parents go through a lot, some of them, to build their families through adoption, and some parents want to expand their families through adoption, and at great expense to themselves. It is a very fundamental value for Americans to want to do this, and 20,000 Americans do this every year. Some Members of Congress have adopted children from overseas.

The bottom line is, this bill, which is the Intercountry Adoption Reform Act, helped to establish a center in the State Department. It streamlines the bureaucracy. It eliminates a lot of red tape, and hopefully it will eliminate the cost. But it also makes sure that there is a central agency that works with the States and with our adoption agencies around the country. It just makes the process work better.

As I have said—and I am going to conclude with this—our children are adopted, and I am proud of that. Our children are adopted from this country. But I know hundreds and thousands of people who have children adopted from other countries.

We are proud of this process that has been implemented. We need to pass this bill to make sure that when children come into this country they come in as citizens—just as American citizens give birth to a child overseas, they become automatic citizens. They don't need the extra step of a visa.

In addition to setting up a certification process for agencies that will be very helpful and effective as we again try to eliminate barriers to adoption and give parents a central agency which is required under this treaty, which all the countries now in the world are moving to, and while it respects our States' roles and respects the role of adoption agencies, it provides a central place where this important work can take place and have a focus.

That is basically what it does.

I think Senator DEMINT wanted to speak on behalf of this amendment. I will be happy to answer any questions, and I will stay here on the floor until our time has expired.

I sincerely submit this to my colleagues. Hopefully, it can be accepted,

as the Senator from Massachusetts and the Senator from Pennsylvania indicated. It might be accepted without a rollcall vote.

Mr. KENNEDY. Mr. President, I was wondering, I support the Senator's amendment. I think it is a good amendment, as does the Senator from Pennsylvania.

We would like to, if it is agreeable, temporarily set the amendment aside. I think under our agreement it would be set aside in any event because we have a sequence of votes coming up. It would be our intention, unless someone comes down here, to go ahead and voice-vote it through. But the manager thinks we ought to give at least another 15 or 20 minutes for an opportunity—and we can use the time now for the Senator from Texas. If someone does come down, we will try to get the Senator a few more minutes since she has been very accommodating to try to respond to another Senator. If they do not, our intention would be to voice-vote it.

Ms. LANDRIEU. I thank the Senator from Massachusetts.

Mr. SPECTER. Mr. President, as I already stated, I think it is a good amendment. As I also stated, there may be some who object to it who are not here to raise their objection. I suggest that we just keep it listed on the vote order. When it comes up, unless somebody reserves the remainder of the time, and when it comes up on the vote order, unless somebody objects or wants to be heard, we will simply accept it at that time. And if somebody calls for a vote, we will go to a vote.

Ms. LANDRIEU. Mr. President, I have no objection to that. Could the Senator give me some timeframe? Would it be on for another hour or 2 or will this go on for several days?

Mr. SPECTER. Our schedule is as soon as we conclude this we turn to the Senator from Texas, Mrs. HUTCHISON, for 30 minutes equally divided. She will finish at about 2:45. Then we would go to Senator SESSIONS' point of order under a time agreement of 2 hours, which would be 4:45. But my sense is that there will be some time yielded. It won't go all the way to 4:45. That is the approximate timeframe.

Ms. LANDRIEU. I understand we could do this, which sounds fine to me: We would be voting sometime today either by voice or rollcall.

Mr. SPECTER. We will vote in this sequence when the votes start at 4:45, or earlier.

Mr. DEMINT. Mr. President, this immigration debate has proved divisive on many levels, but I believe there can be a shining beacon of agreement. In all of this back and forth, one group has been voiceless: the infants and young children longing for a loving home who don't care about or understand borders.

In 2004, I introduced the Intercountry Adoption Reform Act, known simply as ICARE, in the House of Representatives. I am pleased to rise today to join my colleague, the Senior Senator from Louisiana, who is introducing ICARE in this Congress as an amendment to the Immigration Reform Act.

Adoption represents the very best of the generous American spirit. In 2004 alone, Americans opened their homes through adoption to over 23,000 orphaned children from overseas. We must ask, how many more children would be with a loving family today if the maze of government regulation was not so complex?

The ICARE amendment takes two important steps to break down the roadblocks these children face on their journey to find a permanent family. First, and most importantly, it affirms that foreign adopted children of American citizens should be treated in many respects like we treat children born abroad to an American citizen. Under existing law, these children are treated as immigrants, having to apply for, and be granted, immigrant visas to enter the U.S.—a process that we all know to be cumbersome, time-consuming, and expensive. Had they been born abroad to American citizens, they could simply travel back to the U.S. with a passport and enter as citizens. This amendment eliminates this discrepancy and injects common sense into the way our law views these children.

Second, this amendment streamlines the existing foreign adoption functions of the Federal Government. Rather than having to navigate through three Federal agencies the Departments of State, Health and Human Services and Homeland Security—adoptive parents would instead have to deal with only one: a consolidated office of intercountry adoptions located within the State Department. I believe this is an essential step to cut through the layers of redtape that currently bind adoptive parents trying to give the gift of a family to a child from overseas.

Mr. President, our laws simply must do a better job of accommodating the unique circumstances surrounding intercountry adoption, and I believe that is exactly what this ICARE amendment will do. That is why, today, I ask my colleagues to join the Senior Senator from Louisiana and myself in affirming our commitment to protect these children and provide them with a loving home.

Mr. CRAIG. Mr. President, if the chairman will yield, I thank the chairman and the ranking member for handling this amendment in this fashion. It is an important amendment. We have moved it before. We are doing so very well in the area of adoption, both domestically and internationally, at this moment. This is a great facilitator. We thank the chairman for its consideration in this fashion.

Mr. SPECTER. Mr. President, I suggest that we conclude the consideration of the Landrieu amendment and now move to the Hutchison amendment.

AMENDMENT NO. 4101

The PRESIDING OFFICER. Without objection, it will be in order to go to the Hutchison amendment for 30 minutes equally divided.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to take 10 minutes and then be notified when I have taken 10 minutes so I can reserve the remainder of my time.

Mr. President, there is something missing from the debate that we have had so far. I do think that this debate has been productive. I think it has been civil. I think our differing views have been aired. And I think there has been a fair consideration of the bill on the floor of the Senate. But no one is talking about the underlying cause of the problem of illegal immigration in our country. What can we do about the root cause of the problem?

Most of the people who are coming here—not counting the criminals—the people who come here to do criminal acts, such as drug dealers and human traffickers, people who come into our country surreptitiously to become a part of a movement that would harm our citizens, those people are in a different category. They are criminals. They intend to be criminals. And one of the reasons we are trying to secure our borders is to keep people like that out of our country. But the vast majority of people who are coming across our borders are not people who wish to do us harm. They are people who come here to work, to do better for their families. They want a better life. They are people who want jobs. Their countries do not provide the number of jobs to absorb them into the system. So they go to a neighboring country—our country—to seek those jobs.

Is this good for our country? I would say when people have to risk their lives to come here, it is not good for our country. Is it good for Mexico? It is certainly not good for another country to have a mass out-migration, especially because the people who want so much to work and to do better for themselves are the enterprising people of this society. If they had training, education, and opportunity, they would be able to add even more to the economy of Mexico. As it is, their U.S. earnings are the second largest economic producer in Mexico, second only to tourism.

We need to start talking about how we can address the issue of jobs in our country, address the issue of illegal immigration as we protect our borders and as we protect the economy of our country, but also to try to do what is right for the people involved in this issue.

I rise today, joined by my colleague, Senator BOND, to offer an amendment that is called the Secure Authorized Foreign Employee Visa Guest Worker Program. I am going to call it the SAFE visa. It is for people who want to work in our country but do not wish to be citizens of the United States. It is modeled after the Canadian guest worker program with Mexico that has been in place for over 30 years.

Our amendment creates an additional guest worker program available to workers from NAFTA and CAFTA nations. It is a pilot program. It does not displace the guest worker program in the Hagel-Martinez bill. It is another option. It would be one that could be expedited to meet the demand of more workers in certain fields. It would also be something the employers would know is safe for them to hire based on this visa.

The amendment seeks to create a new visa category for those individuals who want to enter and work in our country legally but do not seek a path to residency or citizenship in the United States because they want to remain citizens of their country of origin. They would be able to take the money that is earned here and use it to improve their living conditions and the living conditions in their country of origin.

Any legislation addressing immigration must firmly address the safety and security needs of the United States. In a world where terrorists continue to seek to harm Americans, we must protect our citizens. We have every right to know who is in our country, who has crossed our borders, the nature, purpose, and length of the visit. We are negligent if we do not know those things.

Everyone in the Senate and everyone with whom I talk with wants to secure our borders. I have visited with many of the Hispanic leaders in my home State. I have visited with my Hispanic-American supporters and friends. They all want to secure our borders. They are Americans. They are loyal Americans. They want to secure our borders. I have supported amendments throughout this debate to help secure our borders and to pay for these measures.

When I came to the Senate 12 years ago, I started the process of doubling the Border Patrol because we had never sufficiently manned the border. We are still in the process of doing that. We are not nearly where we need to be. We must have a sovereign nation and control our borders.

My proposed amendment will not strike any of the provisions of the underlying bill. It will not eliminate the H–2C visa program that has been put into the bill. Instead, it would be adopted so that workers and employers have a choice. The SAFE visa would be tamper proof so that an employer could look at this card, test it, and know it is valid. It would have either a fingerprint or an eye matrix that could not be duplicated, that immediately would let the employer know he or she is able to hire this person because that person is legal.

The tamper-proof card enables us to have something employers could count on which is not the case today. Today, an employer is at peril because the employer will look at a Social Security card. It may look perfectly valid, but we all know there are many fraudulent cards out there in the market. The employer cannot be the policeman. There are employers who are doing the wrong thing who should be charged with doing the wrong thing, but there are many employers who try to do the right thing, but we do not have a tamper-proof visa that allows them to do that.

Here are the guidelines in my amendment. All SAFE visa applicants would be required to apply while in their home countries. This would be a program generated in the home country. A guest worker would be subject to appropriate background checks and required to present proof of secured employment before receiving the SAFE visa. The employer would be responsible for withholding all standard payroll deductions so that all employees are on an equal footing. You would not put the foreign employee under the American employee, thereby giving an advantage to the foreign employee.

Medicare withholdings for SAFE cardholders would go into a fund to pay for emergency health care provided to foreign workers. The SAFE visa holder would not be eligible for Medicare, and therefore the money that goes from the Medicare deduction would go into a fund to pay for uncompensated health care that would be provided to foreign workers in our country.

This has been an issue for hospitals all across our country that are serving the illegal aliens in our country. They are not compensated. It is a burden on these hospitals which we can relieve with this program.

The program would be structured for a maximum of 10 months per year of work. The person would then go home for 2 months and would be able to come back and renew his or her job on an annual basis. It would be like a driver's license but annually renewable.

A SAFE visa holder could remain in the program as long as they continue to meet the qualifications. The visa would be terminated if the worker is unemployed for 60 or more consecutive days. The SAFE visa worker would not be eligible for Social Security Programs such as welfare or unemployment compensation. They would be able to take what is deducted from their paychecks for Social Security home with them when they retire from the SAFE visa program.

I yield 5 minutes to the distinguished cosponsor of the amendment, Senator BOND.

The PRESIDING OFFICER. The Chair informs the Senator that the amendment has not yet been called up. The Senator may wish to do so.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the pending amendments be set aside, and I call up amendment No. 4101.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. BOND, proposes an amendment numbered 4101.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To enhance border security by creating a pilot SAFE Visa Program to grant visas to authorized nationals of a NAFTA or CAFTA–DR country who receive employment offers in job areas in the United States that have been certified by the Secretary of Labor as having a shortage of workers)

On page 313, after line 22, add the following:

Subtitle C—Secure Authorized Foreign Employee Visa Program

SEC. 441. ADMISSION OF TEMPORARY GUEST WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by this title and title VI, is further amended by inserting after section 218 the following:

"SEC. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

''(a) AUTHORIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a SAFE visa to each alien who is a national of a NAFTA or CAFTA–DR country and who meets the requirements under subsection (b), to perform services in the United States in accordance with this section.

''(b) REQUIREMENTS FOR ADMISSION.—An alien is eligible for a SAFE visa if the alien—

''(1) has a residence in a NAFTA or CAFTA–DR country, which the alien has no intention of abandoning;

''(2) applies for an initial SAFE visa while in the alien's country of nationality;

''(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

''(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

''(5) passes all appropriate background checks, as determined by the Secretary of Homeland Security;

''(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

''(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be equal to not less than the cost of processing and adjudicating such application.

''(c) EMPLOYER RESPONSIBILITIES.—An employer seeking to hire a national of a NAFTA or CAFTA–DR country under this section shall—

''(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the foreign worker is sought;

''(2) submit to each foreign worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

''(A) the prevailing wage for such occupational classification in such geographic area; or

''(B) the applicable minimum wage in the State in which the worker will be employed;

''(3) provide the foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of which may be deducted from the worker's pay under an employment agreement; and

''(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

''(d) LABOR CERTIFICATION.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall—

''(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

''(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification for which the worker is sought.

''(e) PERIOD OF AUTHORIZED ADMISSION.—

''(1) DURATION.—A SAFE visa worker may remain in the United States for not longer than 10 months during the 12-month period for which the visa is issued.

''(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the requirements described in this section.

''(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

''(A) may travel outside of the United States; and

''(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

''(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States.

''(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to the worker's country of origin.

''(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

''(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

''(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

''(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid entry document for the purpose of entering the United States.

''(g) SOCIAL SERVICES.—

''(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

''(2) SOCIAL SECURITY.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

''(3) MEDICARE.—Amounts withheld from the SAFE visa workers' pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

''(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.

''(i) NUMERICAL LIMITS.—

''(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

''(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

''(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

''(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

''(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

''(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

''(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

''(l) DEFINITIONS.—In this section:

''(1) NAFTA OR CAFTA–DR COUNTRY.—The term 'NAFTA or CAFTA–DR country' means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

''(2) SAFE VISA.—The term 'SAFE visa' means a visa authorized under this section.''.

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

''Sec. 218I. Secure Authorized Foreign Employee Visa Program.''.

Mrs. HUTCHISON. I yield 5 minutes to the cosponsor of the amendment, Senator BOND.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BOND. Mr. President, I am proud to be a supporter of the Hutchison amendment. This is a model for the way things should work for seasonal workers. I hope this construct is one that could be agreed to, perhaps, in conference with broader application. Many of the criticisms of the current system with which I agreed are addressed by this amendment.

Workers come to America to fill jobs unwanted by Americans, but they are staying and they are not going home. Workers who declared an intent to leave, instead, are requesting permanent residency and a path to citizenship.

This is not the way things used to be when workers came to the United States, worked a spell, and then returned to their foreign homes and families.

The Hutchison amendment returns to those days. Workers have to apply for the program from outside. They come in for 10 months to work and then must return home for 2 months. They cannot bring their family for the temporary work, and they may not apply for renewal within the United States or for permanent residency.

I am also delighted Senator HUTCHISON has taken the suggestion to ensure that enough visas remain mid-year for cooler States, such as Missouri, where our seasonal agricultural work does not begin until the late spring or after. Many Missourians claim to me that past programs allowed all visas to be issued in waiver States at the beginning of the season, and that left out the northern States.

I heard these concerns, and Senator HUTCHISON accommodated them, for which I am grateful. I hope this amendment is agreed to as a model in conference for the seasonal work program.

I also use this opportunity to talk about a modest little amendment I have, No. 4071. Senator GREGG is a cosponsor of this amendment.

I ask unanimous consent additional cosponsors be added, including Senator HUTCHISON, Senators ALEXANDER, ALLEN, BURNS, COBURN, SUNUNU, and WARNER.

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

AMENDMENT NO. 4071

Mr. BOND. Mr. President, I have an amendment, No. 4071, for the benefit of America's workers, America's universities, and America's economy.

While we rightfully have spent a lot of time in the debate so far discussing low-skilled, undocumented workers, I want to spend some time discussing our vital need for legal, high-skilled, high-tech workers.

America's workers face a battle for their jobs. They are the finest workers in the world. American workers grow, harvest, and mine some of the world's highest quality and most plentiful raw materials.

American manufacturing workers made the U.S. a global giant, turning back fascism, and lifting millions into the middle-class.

American workers are not just out in the fields or on the assembly line. They are in the storefront serving customers. They are in the backrooms placing orders and balancing books. They are on the streets delivering wares. They are on the floors stocking products.

And who do all these workers count upon? What does every company need to compete and succeed in today's modern economy? They all need high technology, innovation, and invention.

It has become increasingly clear that if American workers are not supporting high tech products in demand today, they are losing their jobs.

If Americans are not using cutting edge technology to extract raw materials efficiently, or produce record harvests, they are losing their jobs. If American workers are not part of innovative companies making the next new gadget or gizmo, they are losing their jobs.

Where will tomorrow's innovations and inventions come from? Where does the brainpower needed to make a cell phone smaller, a plasma TV bigger, or digital camera clearer come from? Where does the know-how to make disease-resistant crops, infection-killing drugs, and cars and power plants emitting only water come from?

These are the products that will cause new orders—the products that will stock shelves and bring in customers—the products that most importantly will provide new, plentiful, good-paying jobs.

They will come from our best and brightest, our engineers, our scientists. They will come from our mathematicians. They will come from our technology experts, full of new ideas and know-how.

They are among us even now—at our universities across the Nation. They are in physics class. They are in computer science class. They are doing their papers, their thesis, their dissertations.

They are graduating with their masters degrees and their PhDs. They are completing their post-doctoral work. And they are vital to every worker in the Nation.

They call these people STEM students—for science, technology, engineering, and math. They form the lynchpin of our high-tech economy. Without them, there is no innovation, no invention.

Who are these STEM students? Increasingly, many STEM students graduating from U.S. universities are from other countries. We can all picture them. Engineering students from India, science majors from China. Foreign students are earning 30 percent today's U.S. doctorates in engineering, 50 percent in math, and computer sciences.

We are lucky to have them because the number of U.S. citizens enrolling in science and engineering is way down. From 1993 to 2000 it dropped 14 percent in total, 32 percent in math, and 25 percent in engineering.

U.S. undergraduate programs in science and engineering report the lowest retention rates among all disciplines. Less than half of all U.S. undergrads who attempt engineering or science majors complete a degree in one of these subjects.

American companies are calling, regardless of the student's home country. The companies of every manufacturing worker, every accountant, every stockperson, every salesman, are vying for our STEM graduates.

Employers hiring international students from Missouri universities last year included: Cisco Systems, Intel, Honeywell, Proctor & Gamble, Black & Veetch, Emerson, Cummins, and Deere among others.

And what are we doing with many of our international students? We have put so much money into them, with tuition grants, loans and fellowships. We have poured so much time into their instruction, tutoring, and study. What are we doing with this vital resource?

We are kicking many of them out of the country. We are giving them insufficient time for U.S. companies to place them. We are requiring them to leave for 2 years before coming back. We are hurting their employment chances by putting their long-term residency in doubt. All of these are ways that our antiquated visa system is out of touch with the needs of our 21st century economy.

This at the very time American workers need them the most—at the very time American workers are struggling to meet the 21st century economy, we are undercut by outdated student visa rules.

At the same time, China and India are exploding with new engineers and scientists. Last year, according to Fortune Magazine, China graduated over 600,000 new engineers, India 350,000, and the U.S. only 70,000.

China is pouring government funds into research and development. They recently decided to double such funding to 2½ percent of their GDP. India just boosted R&D by 10 percent.

The result as the Wall Street Journal recently portrayed: ''Low Costs, Plentiful Talent Make China a Global Magnet for R&D.''

Foreign-invested R&D centers in China more than tripled from 4 years ago. U.S. companies such as Procter & Gamble, Motorola, IBM, and others are opening research centers in China.

Motorola now has 16 R&D offices in five Chinese cities, with accumulated investment of about $500 million. Emerson, based in my home State in St. Louis, MO, a global leader in electronics engineering and technology, recently established four R&D centers in Asia—three in China and one in India.

What are we doing to counter this tidal wave? Many would say we need to invest in U.S. research and students—produce more U.S. scientists and engineers.

I would agree Wholeheartedly. I have long supported doubling the budget of the National Science Foundation. I am a cosponsor of the Protecting America's Competitive Edge Act. It calls for more investment in U.S. science and research funding and education.

But it also recognizes that encouraging more U.S. kids to go into science and math is not enough. It won't produce enough scientists and engineers. Our U.S. employers will not get the brainpower they need by this alone.

The National Academy of Sciences that produced the recommendations on which the PACE legislation is based said as much.

They document America's high-tech needs in their report ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future.''

A section of that report addresses the need of U.S. universities to get international STEM students—the need of U.S. employers to get international STEM students—the need for us to change our visa rules to allow us to keep our STEM graduates here at home, to the benefit of U.S. workers and the U.S. economy.

A recent Wall Street Journal article highlighted this need. It begins with: ''Last year, Stanford University awarded 88 PhDs in electrical engineering, 49 of which went to foreign-born students. U.S. business would like to hang on to these kind of prized graduates and not lose them to the world.''

And so I am thrilled that the Judiciary Committee, under Senator SPECTER's fine leadership along with Senator KENNEDY, included provisions trying to answer this call. Similar provisions were included in Leader FRIST's bill and in the Protecting America's Competitive Act, of which I am a proud cosponsor along with 61 of my colleagues.

We seek to provide an answer to U.S. workers losing out on good-paying jobs in manufacturing, raw material supply, distribution, advertising, sales, and administration when their employers can't get the high-tech innovators and inventors they need to compete with foreign companies in the 21st century economy.

We seek to answer taxpayers who are sending billions of dollars to U.S. universities to fund research and student education, only to see the product of that hard work and money, U.S. university graduates from other countries, forced to leave the country to the benefit of foreign competitors.

We seek to update U.S. immigration laws to meet the needs of 21st century educators and workers. S. 2611's underlying provisions update visa requirements so that U.S. universities can get the students they need and U.S. companies can get the U.S. STEM graduates they need.

It provides U.S. advanced STEM degrees graduates up to 1 year after graduation to be placed with a U.S. company in their field of study. This will stop these valuable U.S. graduates from being forced out of the country before they have time to be placed with a U.S. company needing their expertise. It will also make the U.S. competitive with other countries with the same reform now attracting talented high-tech workers to America's detriment.

It also makes U.S. advanced STEM degree graduates placed with a U.S. company eligible for permanent residency and gives them the time they need to process their application. This will allow U.S. companies to keep U.S. graduates to the benefit of U.S. jobs and the economy. Again, it will also make the U.S. competitive with other countries with the same reform now attracting talented high-tech workers to our detriment.

With my amendment I want to ensure that we do not leave a portion of these valuable STEM students behind. It ensures that in addition to the advanced STEM degree students on F-

visas, we also include those same types of students on J-visas.

Most advanced STEM degree students come to the U.S. on an F-visa. This is the primary student visa. But many may not know, including those who advocate and practice in the immigration arena, that many advanced STEM degree students also come to the U.S. on J-visas.

What's the difference with these students? Nothing really when you look at who they are. They are STEM students pursuing advanced studies in biology, biomedical engineering, and similar disciplines. They are PhDs and they come to pursue and complete their postdoctoral studies at leading universities across the nation.

In Missouri, J-visa holders make up 10 percent our University of Missouri advanced STEM degree students. At Washington University in St. Louis they form 25 percent of the advanced STEM degree student body. I think every Senator in this body will have advanced STEM degree students on J-visas at universities in their states and thus will benefit from this amendment.

There is no substantive reason to include advanced STEM degree students on F-visas and not on J-visas. Indeed, I think it may have been just an oversight.

My amendment applies strictly to advanced degree STEM students on J-visas. Other persons on J-visas in the U.S. for other reasons will not qualify for this program.

So, I urge my colleagues to support this amendment. I am thankful for the support of Senator GREGG, along with Senators ALLEN, ALEXANDER, COBURN and SUNUNU cosponsoring this amendment. It is a modest set of provisions, but its impact will be great.

Our workers need this amendment, our universities need this amendment, the Nation's competitiveness in the 21st century needs this amendment.

This amendment I am not calling up now because I understand it will be included—I hope it will be—in the managers' package.

I will tell my colleagues what it does and also alert many Members who are interested in it because it will keep our best and brightest students from abroad, the science, technology, engineering, and math students who come here for postgraduate degrees, in the United States.

Right now, there is a provision in the bill for the F-visa students to stay here, but it omits the J-visa students. American students who come from overseas and study in our institutions, which we proudly support, ought to be making their contributions to the well-being of the economy, to the knowledge and the skill base. I believe these students, if they want to stay here, ought to be given the opportunity to stay here.

Right now, under the J-visa system, you come in and you can be working postdoctorate in a science area which is exploding and creating the jobs of the future, and then the J-visa system says you have to go home for 2 years. By the way, they go home for 2 years, and guess what. They have started a business there, they have hired people in their country, and instead of having their skills, knowledge, and expertise that was gained in the United States put to work here, they are putting it to work in other countries. It does not say they have to stay here, but right now, the current system says you have to go home. We put a lot of money into training these great students. They are a wonderful resource.

I have visited many colleges in my State, and I have talked to the master degree student, doctorate degree, and postdoctorate international students working there. They want to stay here. And, reasonably, the universities want them to stay here because they form a tremendous support base for the universities.

These are people who not only can earn a good living for themselves, but their scientific know-how, their technical, managerial, engineering, and mathematical skills can provide opportunities to put all of these workers with their skills into the hiring of workers in the United States.

Regrettably, too many American students are choosing not to go into science, engineering, and mathematics.

If there is time before 2:45, after Senator HUTCHISON completes her statement, I ask to utilize that time.

Mr. KENNEDY. If the Senator will yield, we welcome having his participation. I wanted to be able to respond briefly. I don't know if Senator HUTCHISON will talk until 2:45.

Mrs. HUTCHISON. Mr. President, I say to the Senator from Massachusetts, I have 5 minutes remaining on my time which I wish to reserve for any rebuttal, and then I will be finished.

Mr. KENNEDY. And did Senator BOND want something?

Mr. BOND. Mr. President, I definitely don't want to preempt the manager from his comments, but if there is additional time, I would like another 5 minutes after the Senator from Massachusetts and the Senator from Texas have made their comments.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I say to the Senator, I will be glad to give you 5 minutes of my time, if you want it.

Mr. BOND. Fine. That is most gracious.

Mr. KENNEDY. If we could do that after my final comments.

Mr. BOND. Sure.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4101

Mr. KENNEDY. Mr. President, I thank the Senator from Texas for her vision in the importance and the role that temporary workers can play in our society, but I have to reluctantly oppose her amendment.

We are on this issue of temporary workers. The body is being sort of whipsawed. We started out with 400,000; and we have had good debates and discussions, and we have reduced the number of temporary workers to 200,000. And we are going to have further amendments before the end of the evening or on the morrow that will probably be to eliminate all of the temporary worker programs. There is a number of our colleagues who feel that way.

I had supported the number with Senator MCCAIN of 400,000 temporary workers, and then we reduced that number to 325,000. And now it has been reduced to 200,000. As I mentioned, we have amendments on the list now that are going to try to, effectively, eliminate the temporary worker program. The Senator from Texas wants to increase it from 200,000. It seems to me we had it right in the earlier time when Senator MCCAIN and I had introduced the legislation. It still was at the 325,000. I am going to advocate that we continue the program at the 200,000, later on in the afternoon or evening, when we are going to have attempts to eliminate it.

But this program is a very different program than the one that is in the underlying legislation. I want to talk about that very briefly.

First of all, there is a dramatic difference in the recruitment process between what we have in our legislation in the underlying bill and what is in the Hutchison amendment. We have a very extensive recruitment-and-posting program where we post, in a vigorous effort, to try to recruit American workers and indicate also what they are going to get paid. That is very extensive. It is spelled out in some detail in our legislation. I think it is far more extensive than a general designation of a category where there are some jobs available.

Secondly, we have much stronger worker protections in terms of the wages and in terms of protecting workers' rights, such as if there is going to be a walkout or a strike, which does not exist in Senator HUTCHISON's amendment. We have a complaint process and procedure, so if there are violations of the rights or wages or working conditions of these temporary workers, they will have the ability to file a complaint with the Secretary of Labor, which does not exist in the Hutchison amendment.

There is the ability for a temporary worker, if he or she does not get along with their particular employer, to be portable. He or she can go to a different job and different employer so we can free these workers from what has happened historically, and that is exploitation. That is an enormously important protection for workers. That does not exist in the Hutchison amendment.

In our particular temporary worker program, it can last for 6 years, which is very desirable both from the workers' point of view and the employers'

point of view in terms of the training they give to the workers themselves.

But most importantly—most importantly—after the 4-year period, the worker, under our proposal, can actually petition for permanent citizenship—a green card, effectively. Then they have to start the process toward naturalization. It will take them 5 more years, but they can get on the path. They have to work hard over the period of some 4 years. If there is a green card available, they can move toward a green card. If not, they will have to wait, and eventually they will get to the process of citizenship—but not under the Hutchison amendment. After a total of 21 months, they return back home.

So there is a very dramatic difference in the concept of the temporary worker program included in the underlying bill than that of the Hutchison amendment. And that underlies the fact we are going to respect these workers. In our underlying bill we are going to profit and learn from the historic past, where there has been the exploitation of workers, where workers have not been able to have portability, where workers have not had a complaint procedure, where workers have not had whistleblower protections, where we have seen workers exploited.

It gives them the opportunity, if they work hard, play by the rules, to be able to be law-abiding citizens. That gives them an opportunity, then, to get on a path, with 5 more years, to be part of the American dream. Nine or 10 years it is going to take. They are going to have to demonstrate that hard work, play by the rules, stay out of trouble, and have a good work ethic to be a part of the whole American system.

That does not exist. I think that is important because it really is a reflection of the fact that we value this work. It may not be Americans who are prepared to take these jobs, but, nonetheless, we value these individuals. We value these individuals. We have the high-skilled individuals, but we also value those individuals who are going to come here, work hard, play by the rules, and are going to be able to be eventually transitioned into citizenship.

So, first of all, we have the overall scope, the fact of the total numbers we have; secondly, we have the protections. In the existing and underlying bill, I believe a careful reading of the legislation will show there are vastly more protections for the temporary workers than in the Hutchison amendment. I am concerned both about the numbers and the failure of the protections for those particular workers.

Finally, it is limited to just certain countries. Our temporary worker program can include other nations, Asian countries, countries other than those on the particular list the Senator from Texas has outlined.

So it does seem to me we really do not need an additional temporary worker program. I hope we will not accept her amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I do not know how much time I have available.

The PRESIDING OFFICER. The Senator from Massachusetts controls 12½ minutes. The Senator from Texas controls 5 minutes.

Mr. KENNEDY. Mr. President, I would be happy to yield 5 minutes of that time to the Senator from Missouri after the Senator from Texas speaks.

Mrs. HUTCHISON. No. Mr. President, I would like to reserve the remainder of my time until the Senator is finished with the rebuttal so I can close on my amendment.

Mr. KENNEDY. Fine. I was just trying to accommodate the Senator. I was going to yield the floor, and I thought both Senators wanted time. I say to the Senator, you have been very accommodating in working out the time agreements earlier, so I was glad to yield some of my time to the Senator, who is supporting your position.

Mrs. HUTCHISON. Mr. President, I appreciate that very much. I will yield to the Senator from Missouri to use the 5 minutes from the Senator from Massachusetts, and then I will wait if the Senator wishes to continue any kind of rebuttal, and then I will reserve my time until he is finished so I can close on my amendment.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, I thank my colleagues, who are very generous.

I should have stated at the beginning that I very much support the provision that Senator SPECTER and Senator KENNEDY put in the underlying bill. There were similar provisions in Leader FRIST's bill, in the Protecting America's Competitive Act, of which I am a proud cosponsor.

AMENDMENT NO. 4071

Mr. President, this underlying bill provides that U.S. advanced STEM degree graduates—that is science, technology, engineering, and math—get up to 1 year after graduation to be placed with a U.S. company in their field of study. It will make sure they can find a place to work, and then get permanent residency to process their applications. It will allow U.S. companies to keep U.S. graduates to the benefit of U.S. jobs. And it will make our country much more competitive with other countries with the same reform now attracting high-tech workers to our detriment because they go overseas.

The amendment I have offered ensures that we do not leave a portion of these students behind. The underlying bill says it applies to students on F-visas. We include those same types of students on J-visas.

There are a significant portion of J-visa students studying in my State, pursuing advanced studies in biology, biomedical engineering, and, particularly in my State, genetic engineering and plant biotechnology. They are Ph.Ds. They come to pursue and complete their post-doctorate studies at leading universities in Missouri and across the Nation.

In Missouri, J-visa holders make up 10 percent of our University of Missouri advanced STEM degree students. At Washington University in St. Louis, they make up 25 percent. I think every Senator will have J-visa STEM students at universities in their States. There is no substantive reason not to include them in the underlying bill. I assume it was merely an oversight.

When you bring in these workers, as I was saying earlier, American manufacturing workers are getting good jobs because they have the science and the math, the technology that is enabling them to produce 21st century products and to do the kind of work that 21st century science enables them to do.

It is becoming increasingly clear that if American workers are not supporting high-tech products in demand today, they are losing their jobs. As a recent book by Tom Friedman, ''The World Is Flat,'' explains, those high-tech jobs can go anywhere in the world and be linked up by computer. So Americans need to be using cutting-edge technology. Whether it is some of our basic activities—extracting raw materials efficiently or producing record harvests—we need to use the technology that is being developed. And with today's and tomorrow's innovations and inventions, they are going to have to come from students who are studying at our universities.

Right now, foreign students are earning 30 percent of today's U.S. doctorates in engineering, 50 percent in math and computer sciences. We are lucky to have them in the U.S. because the number of U.S. citizens enrolling in science and engineering is way down. It dropped 14 percent in total from 1993 to 2000; 32 percent in math, 25 percent in engineering.

AMENDMENT NO. 4101

Mr. President, I reiterate my support for the amendment offered by my colleague from Texas. I am very proud to support her SAFE Visa Program amendment because I do think the system she has laid out is one that is appropriate in a much broader field. I would like to see this measure in the bill because I think when the conferees start looking at how we deal with guest workers, they are going to want a commonsense solution.

That solution is to say, you can come for 10 months. We want to make it possible for you to come here and work, knowing you can come back and forth freely, knowing you are not locked in here, so you can go home and see your family and so you can take money home; and when you finish work here, you will have that portion of Social Security taken out of your paycheck as your own savings account.

This will be a tremendous boom for them, and enable them to go back to

their villages or cities, or wherever they came from, and be able to provide for themselves and their families, and also, we hope, invigorate the economies of those communities from which they came.

So I am very proud to support the Senator from Texas, and I urge my colleagues to join with her in supporting the amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I have 7 minutes. I was not going to make a further comment on this amendment. The Senator from Alabama indicated he had a few questions on this amendment, so I am glad to yield my time to the Senator. Then the Senator will make her concluding remarks. And then I understand we are going to go ahead with the point of order of the Senator from Alabama.

Mr. SESSIONS. That would be correct.

I thank the Senator from Massachusetts for his courtesy.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, let me just clarify that the remaining amount of Senator KENNEDY's time would go to Senator SESSIONS for questions, and then I would have 5 minutes after that to close; is that correct?

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, how much time would remain, then?

The PRESIDING OFFICER. The Senator from Massachusetts retains 6½. The Senator from Texas has 5 minutes.

Is there objection to the Senator from Alabama being allowed to control the 6½ minutes of the Senator from Massachusetts?

Without objection, it is so ordered.

The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, I defer to the Senator from Alabama, and then I will use the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am very interested in and supportive of the concept embodied in the Hutchison amendment. A few weeks ago Senator SPECTER and I met with President Uribe in Colombia and with officials of the Dominican Republic. President Uribe and the Dominican Republic said they didn't understand this controversy. They have a good guest worker program. Both of them apparently had a guest worker program with Spain and Canada. Under those programs, the workers would sign up. I am not sure whether it was with the Colombian Government or the Canadian Government. They would be given a visa to work for so many months with the clear understanding that they would be able to come home to their families when they finished work and be able to sign up for the next year unless something significant changed. They were both very happy about that. To my knowledge, we have really nothing like that in our legislation in the main part of the bill. I ask Senator HUTCHISON, is this something similar to what you are proposing? If so, you definitely have support from those two countries.

Mrs. HUTCHISON. Mr. President, that is what is missing from this bill. Many countries have temporary worker programs with other countries that have worked very well. Many other countries even come across the ocean for temporary work. In many places you have temporary workers who go back and forth across international boundaries every day to work. In some countries it is considered that those workers are an underclass. I disagree with that. Having the ability to go back and forth, a circularity, is healthy. We want commerce with Mexico and Central and South America. We want to have the ability for people to work 3 months and go home for 2 weeks and then come back and work 3 months, whatever the employer and employee can work out, as long as it is basically 10 months here and 2 months at home. You can have exactly what Senator BOND just said. You can have the money going into the country of origin which Mexico wants. They want the ability for their people to work in the United States. But I don't think Mexico wants their good people to leave and become citizens of our country. Some will want to. That is available to them. But not every one of them wants to. And why should we force that, or why should we encourage it? If they want to go into the citizenship route, that is available.

In fact, one of the arguments that was made by the Senator from Massachusetts is, are we going to create a permanent underclass of citizens? As long as you have the citizenship route, there is no underclass because the people who abide by the laws and decide to learn English and to do the things required for citizenship can get into the citizenship track. There are many people who might not want to do that, who would like to work but take their money home, maybe have their nest egg with them when they retire to start a business at home or to pass on to their children.

We should have more options. That is what this amendment does. We should have a guest worker program in this bill that creates another option that is not now in the underlying bill.

Mr. SESSIONS. Any of these guest workers that at some point decide they wish to become a citizen or become a permanent resident wouldn't be prohibited from applying under that provision of the bill that we would pass that would allow them to get in that track, correct?

Mrs. HUTCHISON. Absolutely. If they decided to go into the SAFE visa program, they would make the decision they are not going on the citizenship track, but if they change their mind, they can withdraw from the SAFE visa program, take the Social Security that has been deducted from their salaries home with them, go back to their home country and get in line for the citizenship track.

Mr. SESSIONS. One of the problems is that people come into the country and they feel bound. If they come illegally, as they come today oftentimes, they don't feel free to go back and forth. Then there is pressure on them to try to bring their family. Whereas if they had a card such as you propose and they could come and go and leave their family at home and just work for so many months like so many Americans do, they work in different cities and towns all over America and come back home to their families, wouldn't that be a positive offering for people who wanted to come work and not a demeaning thing?

Mrs. HUTCHISON. It is so important that we have the different options. It is important that we give the opportunity to people not to disrupt their families, to be able to go back and forth, if that is the option they would choose. Maybe they want to contribute in their home country, and they want to remain citizens. As long as you have the citizenship route for people who want the rigorous test of citizenship that goes with our country, then you should have two options on the table and people can choose. This is a country of entrepreneurs who want to have options, and we need programs that work.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alabama. I thank the Senator from Massachusetts for letting us have the colloquy. It is so important that we recognize that we are in a system that does not work right now. We have 11 million people living under the radar screen. That is not good for them, and it is not good for our country. Since we had 9/11 and the wake-up call, we now know that we must secure our borders first. We must also not ignore the invaluable contributions made by immigrants. We are a country of immigrants, of course. Many of us in this body had parents or grandparents who were immigrants, who were the first to come to this country. They have known hardship. They have assimilated. That is a good thing.

Why not have another option for people who would not want to go the citizenship route but who could work. Some of these temporary worker permits in the underlying bill are limited to 3 years or 6 years. The SAFE visa is not limited at all. As long as the person still qualifies and there is a willing employer, the employer can train someone and know that they will come every year and be able to keep that training. It is a 10-month program, but any employer can figure out that they

would hire one group of workers in January and another in March, so they would have a full year employment if they don't have a seasonal business and the jobs they need to fill are not filled by Americans, which is also part of the amendment. But you could have people in this program for 10 years. They could then take their nest egg back home with them. They would be trained workers for the employer. So it is a win for everyone.

If we are going to have a system that works, with secure borders, with a guest worker program that allows people to work and not seek citizenship, not be able to go into the social programs of our country, but people who will be well paid, well treated, and be able to build their nest egg with their Social Security deductions, we should offer that kind of opportunity side by side with the opportunity for citizenship which is a longer track. That is a system that can work for the long term.

We cannot make the mistake of 1986, when we passed an amnesty bill and said: This is the last one. In 1986 we didn't provide a guest worker program going forward that worked. As a result, we have millions of people under the radar screen not having the protections of the American system. That is not good. It is not good for them, and it is not good for us.

It furthermore sends a signal that if you come here illegally, you will be able to eventually become legal through amnesty. That is not an ordered system. An ordered system would be one in which we secure our borders, we have temporary worker programs that work, some with the citizenship track, some without, and then you deal with the people who are here illegally one time. You do it in a rational and responsible way, but you know you have a system in place that is going to work for the future.

I don't expect to carry this amendment. I do expect that the airing of this view should have an impact on the conference committee that will meet to create a bill that I hope all of us will be proud to support. It will not be the bill that is going to leave the Senate floor this week. This is not the bill that will provide a long term solution. It is not the bill that is going to assure that we have economic viability in our country as well as safety and security and protection for American workers. We can get a good bill, but that bill will have to come out of conference. I hope that the Senate speaks with a strong voice that this should be part of the solution, that we should have an option for people who could get into the system within a year, who would have a tamper-proof visa, that they would be safe and the employer hiring them would be safe to trust, and that they would be able to make a living wage and go home and keep the citizenship of their country of origin, if they choose to do that.

This is an option we should have. I hope we have a strong vote in the Senate so that this will become part of the solution to this issue that we must reach to get control of our borders and create a strong economy.

Mr. President, I ask unanimous consent that a letter of support for my amendment from the American Farm Bureau be printed in the RECORD.

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

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 22, 2006.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: Thank you for requesting the views of the American Farm Bureau Federation on the Secure Authorized Foreign Employee (SAFE) visa amendment to the Hagel-Martinez immigration bill, S. 2611.

The SAFE visa would appear to provide agriculture with an alternative temporary worker program in addition to the existing H–2a program, to recruit workers from abroad when workers cannot be found locally. The amendment would not in any way affect other agriclultural provisions in the bill.

Under the SAFE program, growers would be required to pay not more than the prevailing wage. Employers would be responsible for transportation but could deduct those costs from pay under an employment agreement.

In addition to the H–2a program, we believe that the SAFE visa could help ensure that agriculture has access to a legal foreign workforce during labor shortages and therefore, we would support the amendment.

Sincerely,

BOB STALLMAN,
President.

The PRESIDING OFFICER. All time for debate on the Hutchison amendment has expired.

Under the previous order, it is now in order for the Senator from Colorado to offer a point of order.

Does the Senator wish to be recognized for that purpose?

Mr. ALLARD. Mr. President, I do. Following making my point of order, I would ask unanimous consent that the manager be recognized and then there be an opportunity for Senator SESSIONS to make a few remarks. I want to make a few remarks. I ask unanimous consent for that.

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

Under the previous order, 2 hours has been allocated for debate. One hour will be controlled by the Senator from Colorado making the point of order, 30 minutes to the Senator from Pennsylvania, Mr. SPECTER, and 30 minutes under the control of the Senator from Massachusetts, Mr. KENNEDY.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I raise a point of order that the pending bill violates section 407(B) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

Mr. SPECTER. Mr. President, I move to waive all applicable points of order under the Budget Act and the budget resolutions.

The PRESIDING OFFICER. The motion to waive the act is heard. Under the previous order, the time allocated for debate will be on the motion to waive.

Who yields time? The Senator from Colorado.

Mr. ALLARD. I yield to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague from Colorado. He is a senior member of the Budget Committee. He is capable and does, in fact, help us monitor spending in this body. I am pleased that he shares my view, and I hope our colleagues will listen to the discussions we have that indicate that this bill, indeed, is a tremendous budget buster. There is very little doubt about that in any fashion whatsoever. The Congressional Budget Office has concluded that it busts the budget in the first 10 years. And they conclude, without much analysis at all, frankly, because the numbers are so much worse in the second 10 years, that it clearly will break the budget in the next 10 years. They generally do their studies on a 10-year basis.

This is a matter that is tremendously important. It is one of the reasons the legislation before us today is considered such an important matter. It has importance beyond immigration. It has great importance toward the financial stability of this Nation in the future, our ability to make ends meet and not spend more than we take in. You have heard it said, and I have talked to some fine economists and they have it in their minds—well, let's say not a lot of them because most of the economists we have heard testify here have the view that I share. But a lot of people seem to think if we just bring in more people, that will then raise revenues and that will then help us balance the Social Security default we are in. That is one of the myths that are out there. It is a very powerful myth, and it is an appealing myth.

First of all, these kinds of pieces of legislation tend to get worse rather than better. I just point out that the Congressional Budget Office study they gave us a few days ago—we have a response to it today to update it. It adds 4 million more people to their estimate in the amnesty section of the bill than they estimated a few days ago. That is a 33-percent increase, a third more than they estimated. These numbers are hard to estimate. We know that in 1986, they predicted that a little over 2 million would be eligible for that amnesty, and 3 million showed up, a 33-percent increase. These are the kinds of numbers we are dealing with.

Further, I note, very troublingly, that until we got the initial report from CBO on May 16, nobody had presented a cost estimate on this piece of legislation, and nobody really has today. In fact, the CBO score just goes out 10 years. They don't attempt to deal with the second 10 years, which is

where the extraordinary growth in costs to our Government will occur.

So I challenge my colleagues. We will hear some talk, but I would like to really see how any increase in revenue the Government might have would have an ability to overcome the huge costs in the future. I think it will be, in 20 years, clear that this amnesty bill—if it goes in like it is today—will add more in costs and will absolutely not help us pay for Social Security, and it will absolutely leave us in a weaker fiscal condition than we are today.

Mr. President, how much time have I used? And I ask to be notified at 12 minutes.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SESSIONS. Mr. President, according to the budget point of order the Senator from Colorado has raised, he will be focusing on, I believe, the second 10 years. The Congressional Budget Office has told us that the first 10 years are net losers. They say that direct spending in this bill authorizes $54 billion. There will be $66 billion in revenue, and discretionary spending will be $64 billion, for a net cost in the first 10 years of $52 billion. That is really significant. The numbers are far worse in the outyears.

Those of us who have watched this Congress operate over the years and have been in it a few years realize that we make some of our biggest mistakes when we jump into programs that sound good at the time and we have not calculated the long-term costs to our country, and we wake up wondering how it ever happened. Sometimes we need to go back to look at precisely how it occurred.

Robert Rector has done some serious number-crunching for the second 10 years. He was a chief architect of America's welfare reform bill. He is a senior analyst at the Heritage Foundation, a very well respected group in town. These are some of the things he says about that. He believes—let me tell you—that the numbers could be $50 billion to $60 billion per year in the second decade. This is one of his quotes:

> In the long run, this bill, if enacted, would prove the largest expansion of Government welfare in 35 years.

The largest expansion of Government welfare in 35 years. He estimates that the bill's provisions that put illegal aliens on a direct path to citizenship will result in $16 billion per year of net additional costs to the Federal Government for benefits given to the amnestied individuals alone. This is just the group that is in the first amnesty. This will be in the amnesty of those who are already here. That will cost $16 billion per year.

He also points out that the fiscal impact of the cost to the Treasury caused by the Senate bill will extend far beyond the benefits given to the individual aliens, those who are here seeking amnesty. Once those aliens receive legal permanent status—that is the green card, and that is what they will receive under the bill before us—they have an automatic guaranteed right to bring their spouses and minor children into the United States even if this had not been one of their strong desires to begin with. Now they have an automatic right to do this. So that will greatly expand the total number of people ultimately granted citizenship under this bill's provisions. It is not just the people who are here.

Undoubtedly, the welfare estimate of $16 billion per year will increase. That is a low estimate. Once an illegal alien becomes a citizen, they have an additional unrestricted right to bring their parents in. Many of these parents will be elderly and need medical care. The Heritage Foundation report points out that parents under the Medicare system could cost as much as $18,000 per person. They estimate that even if 10 percent of the people who are provided citizenship—we are talking about getting into the second 10 years because it will take about that long to go through the process of getting a green card under the restrictions of the bill and under their request for citizenship. You can bring your children and your wife with a green card. If you have a green card, you can bring them. If you become a citizen, you can bring your parents and your brothers and sisters, and they can bring their children. But he estimates that would be $30 billion a year in the outyears.

You say that cannot be. Well, all I know is Members of this body debated for years welfare reform. The people who opposed welfare reform and opposed it steadfastly—and President Clinton vetoed it several times—said it was going to increase poverty. The others argued: No, it will help lift people out of poverty. What has happened? Welfare rolls have dropped by more than 50 percent, and the number of children being raised in poverty is lower than it was at that time. Who said that would happen? Robert Rector at the Heritage Foundation. He was proven correct in that debate. I submit that he is one of the more brilliant students of public life today, of welfare and all of the related issues. He said it will be $50 billion to $60 billion a year in the next decade. That is a lot of money. That is really a lot of money. Over 10 years, that amounts to a half trillion dollars.

So we have to think about this. I suggest to my colleagues that we have not thought this through. We don't even have an official CBO score on the second 10 years. We are asking the country, the American taxpayer, who lifts the burdens and pays our fat salary and takes care of us and everything else in this Federal Government, to just take a walk with us in the hope that something good might happen. I don't think so.

I urge my colleagues, if you are concerned about this and other aspects of the bill, to cast a vote against waiving the Budget Act. Our chairman has said: Well, we don't deny the Budget Act is being violated, we don't deny spending increases more than it is supposed to under the Budget Act, but with 60 votes, we want to waive it, and we will move right on and pass something and send it to conference.

We have made some progress on the bill. We have had some good debate in the Senate. It is still not fixed, in my opinion, in a number of ways. What really needs to be done is the bill pulled down and seriously talked about.

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. SESSIONS. I ask unanimous consent to have 2 more minutes.

Mr. ALLARD. Mr. President, I extend 2 more minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. SESSIONS. Mr. President, that is what we are talking about. This is not a technical matter. I don't believe any study is going to show that these numbers are fundamentally incorrect. I don't believe any numbers will show that the approval of this bill will not be a net cost to the Treasury of the United States. One of the reasons that is sadly so is because so many of the people who are here illegally do not have a high school education. That means they have less opportunity to succeed than if they had come here with higher abilities and skills and were in areas in our country where we really needed them. That could make them be more successful.

I thank the Chair, and I yield the floor and yield back whatever time is remaining.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 7 minutes.

Mr. ALLARD. Mr. President, I wish to express in a public way my gratitude for Senator SESSIONS, the Senator from Alabama, for his efforts on behalf of many of us who have concerns about the immigration bill. I think we should recognize his yeoman work and the amount of time he spent studying all of the ramifications of this bill.

All of us have begun to study this bill more and more over the past week, and we began to realize the long-term implications the immigration reform bill we have on the floor will have on America.

I have grave concerns with the effects of this bill on the future of this

country, not the least of which is its potential fiscal impact.

Section 407 reads:

It shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

The Congressional Budget Office issued a May 16, 2006, cost estimate explicitly stating:

Enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055.

The fiscal impact of this bill can be summed up in simply two words: budget buster. This is a budget buster.

The Congressional Budget Office estimates that this legislation would increase direct spending by $54 billion over the next 10 years. While it is estimated to increase only $13 billion over the first 5 years, during the course of the second 5 years, it is expected to skyrocket up another $41 billion as the amnesty provisions begin to kick in.

Conveniently for the authors of the bill, CBO's cost estimate stops there. See, under the bill, illegal immigrants have a 6-year waiting period from enactment to establishing legal permanent resident status. Then after another 5 years, they can become citizens. Thus, in the 11th year, conveniently just out of reach of CBO's analysis, millions of people who entered this country illegally will be granted citizenship.

Where the CBO leaves off, the Heritage Foundation picks up. They estimate that the additional cost to the Federal Government of providing benefits to the individuals granted amnesty under this bill is around $16 billion annually.

On top of that, when an individual is granted citizenship, he is entitled to bring his spouse, minor children, and parents into the country. Once in the country, these individuals would become eligible to receive social services and government-funded medical care. Then after 5 years, they could become citizens, whereupon they could be eligible for supplemental security income and Medicaid at an average cost of $18,000 per person per year.

Think about that. That is about the time when many of us are talking about a financial crisis around 2016 for Social Security and Medicare. Then on top of that, we are incurring this huge liability in this bill, if we happen to pass it in its current form.

The Heritage Foundation study provides this example: If only 10 percent of the parents of those receiving amnesty under this bill became citizens and enrolled in the aforementioned Government programs, the extra costs to Government would be over $30 billion per year.

Obviously, we cannot predict how many spouses, children, and parents of those granted amnesty will come into the country, but one thing is for certain. The pool is enormous and the potential long-term effects staggering.

All this takes place against the existing backdrop of runaway Federal spending. Entitlement spending alone is on pace to exceed total Government revenues before the end of this century.

With the looming retirement of the baby boomers, we are grappling with how to pay for existing entitlement programs. The last thing we need to do is grow Federal spending by potentially hundreds of billions of dollars to provide benefits to millions of people who enter our country illegally. This stands in contravention to the rule of law and is unfair to the American taxpayer.

As a member of the Senate Budget Committee, I believe it is my duty to bring to the attention of my colleagues, as well as the American people, the staggering impact this legislation will have on the fiscal health of this country. This issue has not been thoroughly considered in the Senate. I bring it to my colleagues' attention today in hopes that we will have the debate we need.

It would be irresponsible of me not to mention a violation of personal duty to the American taxpayer, to stand idly by while my colleagues enact a bill that drives a dagger into the heart of this country's fiscal health.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Colorado for the concern he has expressed in a heartfelt way. I believe all of us have the potential of reaching an agreement on comprehensive legislation that we could actually support. I would think the Senator would agree with me that good enforcement and a good workplace enforcement system would be critical.

According to an article in yesterday's paper, Mr. T.J. Bonner, who heads the Border Patrol union and has always been correct fundamentally, I believe, on these issues, is very dubious that even the House plan is sufficiently effective on enforcement in the workplace.

The next thing we would want to do is to figure out some way to treat the people who are here illegally in a fair way. Most of them would want to stay here. Most of them have been here for over 5 years. We need to develop a system to allow people to stay here in a legal way, to come out from the shadows. I think that is a worthwhile goal, and I support that goal. But they do not need to be given every single benefit that we provide to people who come to our country legally, people who have waited in line to have their shot to come to our country. We should not give them every single benefit that a person gets who comes here legally. So we have to worry about that.

What happens when we give them a complete amnesty package is they are put on a guaranteed path to citizenship and then they automatically become eligible for these programs, with huge costs. They didn't ask for that when they came to our country. That was not why they came here. They came just to work and make some extra money and, for whatever reason, they stayed.

We have to think this through. We cannot be operating on simple feelings alone, but we should analyze it in a fair and objective way and even consider what they want. A lot of them don't want to stay and become permanent residents.

Then, finally, we ought to develop a system of immigration that provides more incentives. Why shouldn't a young high school valedictorian in, say, Peru, Brazil, Colombia, or the Dominican Republic, who already has learned to speak English, has had some college, have an advantage of coming into our country over someone who is elderly and would have a guaranteed right under the bill to come in under the parents provision, as Senator ALLARD suggested? That is what gets us in trouble. We have to think about this. It has real financial consequences.

I reiterate what the Heritage Foundation found. They found that without any change in the current law, 9.5 million individuals would enter the country as legal permanent residents over 10 years. CBO acknowledges that 11 million illegal immigrants currently are residing in the United States and over 10 years will be given legal permanent residence as a result of the bill, and an additional 7.8 million new legal immigrants will come into the country under this bill.

Not only do we provide legal status for that large group of people here illegally, we start a new system that allows very substantial increases in legal immigration. According to the Congressional Budget Office numbers, over 28 million individuals, therefore, will obtain legal permanent residence over the next 10 years if S. 2611 passes, which is three times the current level that would occur under current law.

People say this is just a bill to take care of people and to confront some issues we have to confront, work on the border, and deal with the future flow of immigration. It increases it, according to him, three times in the next 10 years. That is almost 30 million people. That is about 10 percent of the existing population of the United States of America.

Mr. Rector of the Heritage Foundation estimates that the real number would be higher. That is just an estimate. And I note, it does not account for people who come here illegally. If we give amnesty for the second time, we are going to have a lot of people believing if they can just get here illegally, somehow they also will be allowed to stay in the country eventually. So we are going to have a substantial number of illegal people. Remember, they are entitled, once they

get on this automatic path to citizenship, to bring in their parents, presumably elderly parents, and presumably they will seek, as they have a right to, health care in America which could be $30 billion per year, and they have the option, although it does have to come in under the caps, of also bringing brothers and sisters into the country.

I thank the Chair and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Again, I thank the Senator from Alabama. When we think about it, the Congressional Budget Office figures are way off. I do think the Heritage Foundation has probably come about as close as any figures I have seen.

Here is what concerns me and concerns those of us who believe we ought to have a balanced budget, those of us who believe we owe something to future generations of Americans: We have to be conscious of the cost of this type of legislation. It will have a huge impact. In fact, I am trying to think back in my career in the Congress to whether I have seen as expensive legislation. I don't believe I have. We are looking at astronomical figures.

If we look at the Heritage Foundation figures, $30 billion each year—and I think those are conservative and that builds into the base, so you have $30 billion the next year on top of that, as I understand it. It is astounding. We need to back up a little bit and think on what we are doing to the cost of many of those programs. We need to think more carefully about the solutions we are proposing and have in this bill.

I am real concerned about the costs. I am real concerned about escalating deficits, although I have to say I am pleased with the response to the President's efforts to stimulate the economy. By growing the economy, we bring down the deficits. They have been going down. They went down last year. They are going down this year. When we pass legislation like this, that is all for naught. That undoes everything the President has been doing to try to hold down deficit spending and what we have been doing in this Congress to hold down deficit spending. For those of us who believe that we need to balance our budget, we are going in the wrong direction. It is awfully easy to stand here on the floor and say, Look, I support a balanced budget, I support eliminating deficit spending. But then bills like this come up on the floor, and I think we forget about what we have been saying about how important it is to the future of this country to reduce and eliminate deficit spending and to bring our budget into balance.

This is an important piece of legislation if for no other reason than the fiscal impact that carries with it. That is why I made my point of order, because I think that we need to step back and think about the results of this piece of legislation.

Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, just to drive home these numbers, according to the Congressional Budget Office report under the refundable tax credit—and these are primarily the earned income tax credit provisions—the Joint Tax Committee estimates that the bill would increase outlays for refundable tax credits by $29.4 billion, the largest direct spending effect in the bill over the first 10 years. That is a really huge number. For the earned income tax credit, I have an amendment that will try to reduce that number. But ultimately it is going to be a cost because as a person becomes a citizen, they will be entitled to it. I personally am of the belief that this amount of money is not necessary to be provided to people who transfer from illegal to legal status prior to citizenship, and I will offer an amendment. They weren't getting it before and they don't need to get it now. So I wanted to mention that point.

I would recall what Robert Rector said in a press conference yesterday. He referred to S. 2611 as a ''fiscal catastrophe.'' This is a man who, I submit, knows more about welfare and health care benefits in America than probably anybody; he is certainly one of the top few in this country.

Mr. President, I see the distinguished Senator from Nebraska. I will yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-six minutes and 40 seconds.

Mr. ALLARD. Mr. President, would 10 minutes be satisfactory to the Senator from Nebraska?

Mr. NELSON of Nebraska. I don't believe I will need 10 minutes—certainly less than 10 minutes—but any time yielded is appreciated.

Mr. ALLARD. Mr. President, I yield 10 minutes to the Senator from Nebraska, my good friend, BEN NELSON.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for up to 10 minutes.

Mr. NELSON of Nebraska. Mr. President, I thank my friends from Alabama and Colorado for this opportunity to rise in support of Senator SESSIONS and our colleagues who are raising a budget point of order on this bill. I have said throughout the entire debate and since I introduced legislation last fall that we have to secure our borders first.

The budget implications of this all-encompassing, do-everything bill are just overwhelming, but what concerns me the most is that we are not doing enough to secure our borders first. We shouldn't spend one dime on any sort of amnesty provisions until we secure our border first. We shouldn't attempt to guess how many billions of dollars we are going to spend on how many millions of people might be coming into our country until we secure our borders. It is a very simple equation. We will never get a real grasp on solving the problem of illegal immigration in this country until our borders are secure. Border security first.

The deficit is real, and the problem of illegal immigration is also real, and we should make a serious investment in securing our borders. But to adopt an all-encompassing, do-everything bill with a multi-billion-dollar price tag that won't match up with what the House has passed, and that doesn't do nearly enough to secure our borders, is irresponsible, and I can't support it.

That is why I am here today to support Senator SESSIONS and the budget point of order he intends to raise against this bill.

If we don't get a bill out of Congress this year—and when I say out of Congress, I am talking about out of committee as well—the costs associated with this illegal immigration issue that we have right now will only continue to go up. That is why investing in border security first is, in fact, the right investment.

Now, not only does this do-everything bill cost a considerable amount of money—although we can't be sure exactly how much, but we do have some idea from the CBO estimates that for the first 10-year window, it could be as much as a net of $52 billion, and direct spending from 2017 to 2026 could be at least at $108 billion. So while we don't know everything about the costs, we do have estimates that would suggest that the cost will be significant and even end up costing us more.

So we do have to address the border security first. Until we do, the implications and the costs will continue to grow at an alarming rate.

Mr. President, there is an old saying that I imagine every parent has told their child: When you are in a hole, the first thing you have to do is stop digging. We have to stop digging. We must secure our border first, and we must shut down illegal immigration, and only then—only then—can we move forward in a financially responsible way that secures our border and, at the same time, gives us an opportunity to put an end to illegal immigration and deal in a comprehensive manner with the illegal immigration that we already have. We must, in fact, stop the problem from getting bigger in terms of the number of illegal immigrants before we can deal with the problem of what we do with illegal immigrants already here.

It is not mean-spirited to want to protect our borders, to want to close the back door on illegal immigration and look at opening the front door to legal immigration. There is nothing irresponsible about wanting to secure the borders with appropriate barriers,

fences, and walls to make sure that we are secure against not simply illegal immigration for people who want to come to work, but also against the drug dealers, the smugglers, as well as the gang members from Central America who continue to come over the border at an alarming rate. We have a security issue. I stand today to support the budget point of order.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I yield 10 minutes to my colleague, the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, I spend a lot of time on the floor on budget issues and on spending issues, and I am first of all appreciative that this point of order was brought up. One of the greatest problems we have is not thinking in the long run. We think in the short run. We think in election cycles. We don't think in generation cycles.

Here are some facts that we do know: We are on an unsustainable course as a country. We have approximately $70 trillion in unfunded liabilities. That is greater than our private net worth today. And we are going to transfer those liabilities to our children and our grandchildren.

What is important about this point of order is a reflection of one of the things we are going to be talking about in June in this body, and that is budget process reform. Because the instructions to the CBO are so arcane that they didn't really even look at the real numbers associated with this bill. They didn't talk about the discretionary costs associated with this bill. This bill actually costs $40 billion over the first 10 years. After that, at a minimum, this bill will cost in the next 10 years one-half of $1 trillion. That is $500 billion.

Let me put that in perspective for a minute, what a billion is, because we throw that number around here all the time. A billion seconds ago it was 1959. Three hours and 20 minutes ago, we spent $1 billion, over 3 hours and 20 minutes, this Government. The debt that we are transferring now is close to $27,000 per person; that is $8.3 trillion. That is 8,300 billions. So the fact is that the scoring by the rule says CBO has to say it costs in excess of $5 billion. The fact is, CBO didn't even look at this. The one thing that they did look at is that in one year, in 2016, the 10th year, the direct spending, the direct cost is at a minimum of $11 billion. That is not counting EITC. That is not counting figuring in the 12 million people who are here already in any of the numbers or any of the costs associated with this.

So when we use CBO scoring to say it is a net plus in the first 9 years, you have to ask, what does CBO say about where we would be on surpluses? What does CBO say about the cost of Medicare when it was started and the cost of Medicare 10 years ago when they projected it to be about 70 percent of what it is today, and the projected cost in the outyears of Medicare? They never get it right. One of the reasons they never get it right is because we are not honest with them in the legislation that we put through.

So if we are going to pass this bill out of the Senate, as I suspect we will, the American people need to know not only the four things that are in this bill that are inappropriate for a constitutional republic that is going to need to defend itself in the future—and I am not talking about anti-Hispanic or anti-immigrant; I am talking about the rule of law and how that will impact us as a future country—we have to be considerate about what this will do from a financial impact to the very perilous state that we will find ourselves in 10 years from now anyway.

In 2016, we are going to be close to having 81 percent of the budget—81 percent of the budget—consumed by Medicare, Medicaid, Social Security, and interest on the debt. That means 19 percent is going to have to do everything else. So what you are talking about with this bill in the outyears is at a minimum of $50 billion in new expenditures per year starting in 2016. And probably the CBO scoring, because it does not reflect the direct costs of discretionary spending in this bill today for the 12 million who are here, this will be a net cost of several billion dollars over the next few years, up to $40 billion to $50 billion in year 10, and $50 billion plus after that. That violates the budget rules of this body.

We may not get the votes to win this point of order, but the American people should know, even if they agree with everything that is in this bill, that they are transferring again a lower standard of living, less opportunity, and less future to the Americans who are here today by passing this bill.

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

Mr. ALLARD. I would let the other side use some time if they feel they want to. If not, I will recognize the Senator from Louisiana and yield him 7 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 7 minutes.

Mr. VITTER. Mr. President, I stand in strong support of this budget point of order under section 407, which is being raised against the Comprehensive Immigration Reform Act. I encourage all of my colleagues on both sides of the aisle to look very hard at this fiscal impact and this budget issue, because it has gotten very little attention in this entire debate but will have a dramatic impact on our country, our Government, and our budget for decades to come.

Section 407 of the Budget Act specifically is about impacts on the budget of various legislation for the long term, and the point of order says:

> It shall not be in order to consider any bill, joint resolution, amendment, motion or conference report that would cause a net increase in direct spending in excess of $5 billion in any 10-year period between 2016 and 2055.

That is $5 billion per decade. There is no argument. There is absolutely no argument of which I am aware that this bill is not above that mark. Everyone seems to agree—CBO, other experts—everyone seems to agree that this bill is above that mark, causing huge increases in spending—direct spending, Government liability, building into the budget forever and ever, particularly after 2016.

The proponents of the bill were very smart. They specifically limited certain benefits that would be available to new citizens under the bill in the first decade because there are other budget points of order, more immediate budget points of order, more focused on that first decade after the passage of any bill. But even in that first decade, the expected net increase in expenses is very significant—about, perhaps, $52 billion in a 10-year window. But beyond that first decade, of course, it increases exponentially. It is much more, as previous speakers have said.

I am disappointed, frankly, in the Congressional Budget Office. First of all, as I said, they make perfectly clear that this budget point of order is blown out of the water. The long-term impact is clearly more than $5 billion per decade. But that is all they said. I would have hoped, I would have expected the CBO would do a more precise analysis to give us more exact numbers, better numbers. They have not been able to do that. All they have been able to say is:

> CBO estimates that enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055.

We are not only blowing that budget point for one decade or two decades, but we are doing it for every decade because that is going to be the permanent, everlasting impact, with no end in site on Federal Government expenditures and on the budget.

Other folks outside of Government have tried to perform a more exact analysis. One of them, of course, is Robert Rector of the Heritage Foundation, who released a study on the welfare costs of S. 2611. In fact, his number, his study, goes way beyond this $5 billion per decade. He says, to sum up, that this would be the biggest increase in Federal Government spending, welfare spending, in at least 35 years.

I find it particularly ironic that many of the leading proponents of this bill also are some of the very vocal proponents of things such as earmark reform, getting spending under control, looking at the budget—the dangers of increasing automatic spending and entitlement programs without end. I agree with them about all of those concerns. I am not saying they are wrong about those things. They are exactly right. That is why I supported so many of those measures, including earmark

reform. But this increase in spending under this bill will make those issues look penny ante, in dollar terms. This is of a magnitude far surpassing that in terms of their very real and very legitimate budget concerns.

We are just coming out of an experience I hope we never see again, dealing with horrific hurricanes, Katrina and Rita, with that unprecedented Federal spending in response to those storms, about $100 billion. What concerns me even more is that this legislation threatens to build into our budget, particularly after the first 10 years, a Hurricane Katrina-like event in terms of Federal spending every other year forever, with no end in sight, just repeating that every other year, as if a Katrina came across our shores and caused that need and that amount of spending every other year forever. Of course those expenditures would only increase over time.

Let me say, this is a very real, legitimate concern about this bill. I hope all of us focus on it more in the closing hours of this debate. It has gotten far too little discussion up until now, and I encourage everyone to focus on the very real and frightening budget and fiscal impacts of this bill.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusettes.

Mr. KENNEDY. Mr. President, I think I have 30 minutes; is that correct?

The PRESIDING OFFICER (Mr. SUNUNU). The Senator has 30 minutes.

Mr. KENNEDY. I am going to speak briefly and then yield 10 minutes to the Senator from South Carolina.

Mr. President, it is important to deal with this document which is from the Congressional Budget Office. This is an authoritative document. We understand that the Congressional Budget Office—the CBO—document is the document we ought to listen to and we ought to regard. What do they say? On May 16, 2006:

> CBO and the Joint Committee on Taxation estimate that enacting this legislation would increase direct spending by $13 billion over the 2007–2011 period and by $54 billion over the 2007–2016 period. Pursuant to section 407 of H. Con. Res 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. JTC and CBO [The Joint Committee on Taxation and CBO] estimate that the bill would increase total federal revenues by $66 billion over the 2007–2016 period.

It would increase revenues by $66 billion. Actually, what CBO has determined is the passage of S. 2611 will actually reduce the deficit by $12 billion over 10 years. Do we understand that? This is CBO. They estimate we are going to reduce the Federal deficit by $12 billion over 10 years. The newly legal immigrants will pay $66 billion into taxes and cost $54 billion. Net gain to the Treasury: $12 billion.

What else do they point out? They point out that after 2016, there is going to be, again, an expenditure of over $5 billion. So there goes the budget. That is what those who are complaining and raising a budget point of order are saying—which is true. But what they don't include is what is going to be paid in by the immigrants. Do we hear that? When we look at what is being expended versus what was taken in, we are reducing the deficit by $12 billion. But the CBO did not review after 2016 what will be coming. All they say is there will be more than $5 billion going out. They are giving not even half the story.

We ought to look at the statistics and figures in the studies that have been done. The most authoritative study was done by the National Research Council. It is not a Democratic or Republican organization. They are the ones that have been doing the studies. When the National Research Council's report sought to estimate a bottom-line figure for the fiscal impact of immigration, here is what they found:

> When we simultaneously average across both age and education to get a single summary measure of net fiscal impact based on the characteristic of recent arrivals, under our baseline assumptions, we find an average value of plus $80,000.

Mr. President, $80,000 per immigrant is what the NRC says. That is a good deal of money. In a country that absorbs about a million immigrants a year, that means that each year of that pays $80 billion more in taxes over the course of a lifetime, more than it consumes in services.

So when we talk about waiving the point of order, we do it from a very sound fiscal point of view. These are based upon the CBO, the National Research Council. It is wise that we waive the point of order. It is absolutely irrefutable that over the next 10 years, we are going to reduce the deficit by the $12 billion.

Mr. COBURN. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. COBURN. Is the Senator aware whether the CBO included in their scoring the disaggregated cost of the 11 million people who are here already in terms of the discretionary costs associated with them?

Mr. KENNEDY. The CBO has an estimate in there, what is necessary for border security.

Mr. COBURN. I am talking about the discretionary costs associated with the implementation. There are 11 million people here today. In fact, if the Senator will yield for just a moment, they do not consider that. That is just one of the flaws in the CBO's report.

I thank the Senator for allowing me to ask a question.

Mr. KENNEDY. For pieces of legislation that are going through the body, they have the request for the CBO requirements. The Congressional Budget Office conforms to those particular requests. That is the process which we are involved and engaged in, not some ancillary kinds of expenditures but to use the tried and tested evaluation the Budget Act requires. CBO has conformed with the Budget Act request. What I have just related relates to what is necessary for the CBO to provide in response to the Budget Committee. When you do that, you find out the surplus.

I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank Senator KENNEDY for yielding. I will try to add a little bit different perspective.

Senator KENNEDY is right. If you look at the chart with the numbers, the revenues taken in at a point in time from the immigrant legislation exceed the outlays, and that is what CBO says. My good friend Senator COBURN and others dispute that. I think CBO is something you use when you agree with them and something you run away from when they disagree with you. Their methodology is probably flawed when I agree with them and it is probably flawed when I disagree with them.

What I am trying to bring to the table about the economic impact of this debate is that there are more people involved than just the Federal Government. It does seem as if, from a Federal Government perspective, it is probably good business to get people to pay taxes and get them legalized versus having them undocumented. That is one of the economic conditions we are dealing with, is how do you sign up people, who are here to work, in a regularized fashion so we will know who they are and they will contribute to social programs, not just take away, and they will not have to live in fear, and they can help through their tax contributions.

It is true some of them withdraw services from programs set up for people who are on economic hard times, but generally speaking, I would argue the 11 million people we are talking about assimilating and the future flow people we are talking about coming here work very hard. We all have impressions of this group. My impression of the undocumented workforce we are talking about is it is not a group of people sitting around wanting something for nothing. They are doing five and six jobs a day, working very hard, and economically there has to be room in America for somebody like that. If there is no room in America for somebody who is willing to do the hardest job in America from sunup until sundown, then America has changed.

We have 4.7 percent unemployment nationally. I am a Republican. I am going to take credit for it, along with my President, and share it with my Democratic colleagues. Whatever we are doing or failing to do, one thing I can tell you for sure: the economy is as good as it is ever going to get in your lifetime—4.7 percent unemployment. The GDP growth is over 4 percent. There is wage growth over 4 percent and an 11,000 stock market.

One thing for sure is that the 11 million undocumented workers have assimilated into our economy and are not a drain because it is humming. That is just a fact. We can't issue a press release on Monday taking credit for the good economy and talk about a workforce that has been here for years and say it is going to kill the economy because it has not yet, nor will it ever.

Our biggest problem in America from an employer point of view is how do you sign people up, knowing who is legal and who isn't. Let's fix it. Because you really don't know. What do employers tell me more than anything else? I need workers, particularly in the construction business, tourism business, agricultural business. I advertise within the native population, and I can't get enough workers. Our bill requires proof that an American has not been put out of a job, a native American citizen hasn't been put out of a job because of someone coming out of this pool of undocumented workers.

The truth is, colleagues, we need these workers.

A few years ago, Japan crossed a demographic line of having more older people than younger people. We are getting there. It is going to be impossible, because of the demographic changes in our country, to fill all of the jobs we need to keep this economy humming without assimilating more people. How do you do that?

That is what this bill is about. The economics of assimilating hard-working people, who believe in hard work, who want to play by the rules, raise families, and join the military, is a net positive. You will never convince economists that the people we are talking about are a drain on our society. They have jobs that do not pay a lot right now, but they have a heart and a mindset that makes America a wonderful place to live. Just watch them go and watch them grow. Some of the children of this illegal immigrant, undocumented workforce are now in college, in military academies, and fighting our wars in Afghanistan and Iraq, just like every other group that came to America. You start on the bottom, and people around you don't really appreciate you at first, but you eventually work your way up. That is going to happen here.

The budget impact of assimilating this undocumented workforce into our economy needs to be looked at in terms of dynamic scoring. That is what Senator KENNEDY is calling for—dynamic scoring—because that is what he is basically saying.

You need to look at all the things they do and not just at the services they take. You need to look at the economic needs of our economy for workers. We are short of workers. Let us not drive away people who are willing to work. Let us punish people who broke our laws but punish them proportionate to the crime.

There are several avenues in the bill as to how you can come to America and work, but there is one thing in common for every approach to solving the illegal immigration problem. Here is what is in common: You have to work to stay. We are not letting people come here and just sit on the corner and suck us dry. In the underlying legislation, if you are out of work for over 45 days, you are ineligible for the program. You have to learn English, as part of this bill. You just can't come here and not assimilate. You have to take a civics class. You have to hold a job. You cannot break the law, and you have to assimilate into our society. An economic benefit will be gained if we allow that to happen. A social benefit will be gained if we allow that to happen. The cost of doing nothing is catastrophic.

And how do you score it? How do you score the cost of having a border that is a joke? How do you score the cost of having a legal system nobody knows how to apply? How could you score the cost of having millions of people living around you who are scared to death?

What I hope my colleagues will look at when it comes to the budget is not only what the Congressional Budget Office says but the reality of where we are as a nation. We need good, honest, hard-working people, decent people who will get up early and stay late to keep this economy humming. And they are here among us. Make them pay a just and fair debt for getting here by cutting ahead of the line, but do not ruin our economy in the process.

I hope that when we look at the economic condition that this bill will create in America for our budget and our society, we will look at it in a dynamic way, in a realistic way, and come to grips with the idea that in 2006, America has assimilated these 11 million people who are working very hard. What do we do with them now? They are here. How do we control those who want to come after them?

I am all for employing people on our conditions—not theirs—of regularizing, legalizing, making people pay a debt, pay fines, pay back taxes and future taxes, pay your way the best you can. But I am very confident that the net benefit to our country and our society by assimilating a needed workforce in a humane fashion is a budget winner and a winner for our society as a whole.

I gladly will vote against this budget point of order because while you look at the dynamics of the economic condition of our country and the value the immigrant workforce has now and in the future, it is a plus for our country. And doing nothing is the consequence of this bill falling or failing. What will be the cost for the next generation of politicians to do something we can't do among ourselves now? It will be more, it will be harder.

Let us do it now. Let us get it right the best we can and realize that America needs honest, hard-working, decent people now more than ever. They are among us, and let us figure out a win-win.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield 7 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise to speak in support of the point of order and my colleagues' efforts to point out that this immigration bill is ill conceived and, I am afraid, misrepresented and oversold.

I would like to say up front that I appreciate all of my colleagues' attempts to solve a big problem for our country. Illegal immigration is a huge problem which we must address. But, unfortunately, as this bill has moved along, I am afraid it has gotten worse instead of better. I am afraid that we are failing to look out 10, 15, 20 years to see the financial tsunami, the category 5 fiscal crisis we have as nation, and we are adding costs without thinking about it.

I am afraid the supporters of this legislation would have us believe that it is a rather harmless effort to incorporate illegal immigrants into our culture and that this bill will not have a detrimental impact on our society and, more importantly, on the Federal Government's finances. The truth is this bill would add billions of dollars of debt. And tomorrow, our children and grandchildren will have to pay for our irresponsibility today.

Let me point out a few examples.

This legislation would allow an unprecedented wave of immigrants, and we cannot possibly assimilate that many immigrants in that period of time. The Heritage Foundation estimates that the number of legal immigrants entering this country under this legislation would be 66 million over the next 20 years. And this doesn't include the continued stream of illegal immigrants who are projected despite what we say we are doing to the border. This bill also does not prohibit tax credits for illegal work done during illegal periods that these immigrants were here. We are going to force them to do their tax returns, and some will pay taxes. But most, we suspect, will actually qualify for an earned income tax credit worth perhaps thousands of dollars. One projection is that illegal immigrants—the average in the United States since 1986—could qualify for up to $88,000 in earned income tax credits. We must not force our fellow citizens and taxpayers to pay their bill.

In addition to this bad policy, it would also allow immigrants to get Social Security benefits for the work they performed while in this country illegally. The Senate rejected efforts to prevent Social Security benefits from being awarded to immigrants for the time they worked illegally in this country. We need to realize that they will be working with stolen Social Security numbers, which often causes chaos in the lives of Americans who have had their identities stolen. We

cannot reward this behavior with Social Security checks.

The bill would also provide some immigrant workers with greater job protection than American workers. The bill supposedly would protect U.S. workers by ensuring that new immigrants would not take away jobs. However, the bill's definition of ''U.S. worker'' includes temporary foreign guest workers, so the protection is meaningless. Foreign guest farm workers, admitted under this bill, cannot be ''terminated from employment by any employer . . . except for just case.'' In contrast American agriculture workers can be fired for any reason. Hence, there is really no protection for Americans, who could be terminated for almost any reason, while providing more protection for those who are here under temporary work visas.

In addition, this legislation straps States and local governments with additional unfunded burdens that could cost $16 billion over the next ten years, while providing no relief. This is perhaps the biggest hidden cost in all of this legislation.

The tremendous expenses from these illegal workers, who are here, whether it be health care or education or the many things they have to provide can not be easily paid for.

I can tell that I am running out of time, but I think it is important to note.

The Congressional Budget Office's projections are that this bill will cost our country $54 billion in mandatory spending over 10 years and $63.8 billion in discretionary spending over the next 10 years. However, the bill will only raise $66 billion in revenue. Put simply this bill will give us $51 billion more debt in 10 years and, I am afraid, even more debt over a 20-year period. We cannot increase our debt so significantly.

I rise in support of this budget point of order, and I thank my colleague for raising it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes.

Mr. MARTINEZ. Mr. President, the Senator from Pennsylvania has yielded 5 minutes from his time. I thank the Senator from Massachusetts.

Mr. KENNEDY. I yield in behalf of the Senator.

Mr. MARTINEZ. Mr. President, I speak in opposition to the budget point of order. I have heard a lot of arguments in opposition to this bill, and I guess when all else fails and we are moving toward passing comprehensive immigration reform, there is an opportunity to raise yet one other objection, which is a budget point of order. The fact is, if we did only a border security bill, if we just went about the fact of securing our border, which we must do, there is a cost associated with that. That doesn't come free. Securing the border costs money. Sending the National Guard to the border, increasing the number of Border Patrol, building vehicle obstructions and other barriers, electronic surveillance—none of that comes free. All of that has a cost.

In fact, it is estimated it would cost about $25 billion. If we only did border security and did not concern ourselves with more comprehensive reform, that $25 billion would now be offset and it would be an outlay of a net $25 billion. Our bill raises over $12 billion in revenue. It collects $66 billion where the costs are estimated to be only $55 billion, according to the Congressional Budget Office, the arm of the Congress that is supposed to do this evaluation for us.

We also have been talking about the outyears, the period of time beyond the moment, calls that may come about as a result of people ''taking'' from the system. First of all, we could not do it without the people here today, many of them working illegally, in an illegal system that, unfortunately, has perpetuated itself for too many years. In the State of Florida we have a labor shortage today. The famous theme parks that we hope many Americans choose to enjoy year after year cannot keep enough people on their payroll. They have a need for more people than they have available to do the work of the theme park.

The same is true in our agricultural industry. I was meeting with friends from the Florida Farm Bureau today. They were saying, whatever you do, please, help us to keep a stream of labor so we can get our work done. Talk to Florida home builders. The housing industry in Florida would grind to a halt. The construction industry depends on what is now an illegal workforce. All of these people are not working for the minimum wage, as the Heritage study would assume. Many move right on up the ladder.

The best thing I can do is use my own life as an example. Yes, my parents did come after I came to America. I came at the age of 15. They came later. If I do dare say, over the time I have been fortunate to live the American dream, I have made my contributions to the Treasury in taxes. So did my father, who came here at a much later time in life, who went to work and made a living, paid his taxes. Far more than whatever benefits may have been received were paid into the Treasury by the taxes, by the Social Security withholdings and all the other ways in which taxes are paid—whether they be property taxes for the homes we have bought, whether it be other contributions, not to mention the charitable contributions.

Yes, believe it or not, immigrants do go to work on Sunday. We talk an awful lot about the few bad apples that always are in any group that has come here, and their purposes are not good. What about the folks that go to church on Sundays and put something in the basket, help a fellow neighbor, bring someone else along and help them to get a job or give them a job?

Illegal immigrants in this country also create jobs. They open businesses. They do not just take; they give. That is the story of America. I am not saying anything that is unique or different. All I am saying is, a reflection, a mirroring of the America I have known in my life, the same America for immigrants that came at the turn of the century from other places also understood and knew to be the America they knew; it is the America that allows people to rise in accordance with their hard work, the story of immigrants in America that work, the story of hard work, people who come here to make a better life—not to take, but to give—to be part of this great experiment we call America and to not change America by what they do, but to be changed by America.

Beyond the issues of money, some worry that our culture will be changed. I have heard that, too. The nature of our country will be changed. How? Perhaps when Italian Americans came to our country, they introduced us to the menu of pizza. Are we any different or worse today because there have been cultural differences that have enriched America while, at the same time, we harness to that ideal of being an American, of looking at our flag and being proud of it, of knowing what it is and what it means to be an American?

So, let me just say, what we are doing today is to look at a bill that has been carefully crafted, that has been put together, that has had a substantial majority of support. I was very pleased 73 of our colleagues chose to vote to invoke cloture, to move forward, to end debate and to proceed so we can bring the bill to final closure. This is one last attempt to try to derail this good legislation, the legislation that our President eloquently spoke about, the need for it, that he persuasively said is part of what he believes to be comprehensive reform.

Beyond that, we have an opportunity today to begin to fix a broken down immigration system. We need to overcome this hurdle. I encourage my colleagues to vote against the budget point of order. It gives us an opportunity to move forward with this bill so that we may then engage in a conference with the House of Representatives and end up providing a secure border for our country, which this bill does, and a pathway for those who are here to be part of the American dream, to join in this great experiment we call America, to allow them to do what I have done in my own life, which is to become a part of the American dream and the American experience.

Today, I hope we will defeat this budget point of order so we can move on to put this good bill in order and get to final passage.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER (Mr. COBURN). The Senator has 23 minutes remaining.

Mr. SPECTER. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. MCCAIN. I thank my friend from Pennsylvania for his leadership, along with that of my friend from Massachusetts, on this issue. They have done a great job in the last few days. Hopefully we are winding down.

I pay special attention and appreciation to my colleague from the State of Florida who is the embodiment of the American dream, as is my colleague on other side of the aisle, Senator SALAZAR, from Colorado. They have provided the experience, the knowledge, the background and the motivation to continue our efforts to see this bill passed.

Let's be clear. It is not a practice of mine to waive budget points of order. I believe the circumstances surrounding the validity of the point of order and the actual intent of its sponsors warrants my support to the waiver.

First, I take issue with the Senators over the misinterpretation and editing of the CBO score of this bill. If one were actually to read the text of that report, one would see that the CBO study also finds that the impact of the compromise bill would actually be moderately positive for the Federal Government during the next decade. Legalization would actually produce an increase in Federal revenues between 2007 and 2016 of $66 billion, mostly through increased collection of Social Security and income taxes but also from fees and fines.

Remember, we have at least a $2,000 fine being paid. That has been raised a couple of times already through amendments. Spending would go up by an accumulative $54 billion, but the surplus would be $12 billion. In reality, this program has the possibility of producing a net gain for the Federal budget.

However, putting the argument about the numbers aside, we have to get down to the fundamental question of whether or not we really want a bill. We have voted several times over the past week and a half to affirm the intent of this Senate to pass a comprehensive immigration reform bill. It is clear to me that the Senators from Colorado and Alabama are not nearly as interested in saving money in our budget as they are to sink the bill because we know that if this budget point of order were passed, it would take the bill down—as the Senator from Alabama articulated in his press release, relating to this point of order, ''to derail'' the bill.

So your vote on this amendment should be clear. Do Members want an immigration bill or not? I understand there are Members in this Senate who will answer that question with a resounding no. However, I believe that is not the true intent of the majority of this Senate.

This Nation is calling for our borders to be secured and an overhaul of our immigration system, and that it be done in a humane and comprehensive fashion. Vote after vote after vote has indicated that. The President's speech to the Nation last week, which I thought was inspired, was greeted by 74 percent of the American people overnight favorably, including his absolute determination to see the Congress of the United States send him a bill which has a comprehensive approach to this issue which we as a Congress and a Federal Government have ignored for 40 or 50 years.

We will not be deterred from this effort. We will not be deterred from this effort. I tell my colleagues that the cloture vote indicated the support for this bill. More importantly, the American people want us to act. And the American people, driven fundamentally by Judeo-Christian principles, want this issue handled in a humane fashion, taking into consideration the highest priority, which is our national security. No one believes that simply by enforcing the border we will be able to solve this issue.

I thank my colleagues again for their efforts. I hope this may be the last poison pill we have to fight off, but it may not be. Again, I appreciate the overwhelming support of my colleagues on this issue as well as the cloture vote which I think sends a clear message.

I yield back the remaining time to the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, the effort by those raising the budget point of order is pure and simple: Another effort to defeat this bill. There have been a series of amendments, call them killer amendments, call them poison pill amendments, which are directed to defeating a comprehensive bill by those who are interested only in border security.

The fact is that the comprehensive bill which we have proposed is a moneymaker. The direct spending costs over a 10-year-period are $54 billion; the legislation produces $66 billion. So there is a net surplus of $12 billion.

The budget resolution is a very complex resolution relating to $5 billion in expenditures in any 10-year-period between 2016 and 2056. I am advised by the Parliamentarian that in the calculation on this budget point of order—and the Parliamentarian is listening so I am subject to corrections—that it is the expenditures which are calculated but it is not the revenues to offset those expenditures in making this arcane, esoteric, complex, convoluted procedure under the Budget Act.

Over half of the fees collected from the guest worker program goes to border security. The reality is, an orderly flow of guest workers into the United States is—''vital'' is not sufficiently strong—is indispensable for the American economy.

We had hearings in the Judiciary Committee on the impact of this bill on wages and economic benefit to the country. The views were unanimous that this legislation will stimulate the economy.

We have an economy where a great many industries rely upon immigrants, including the agriculture field, which has been attested to repeatedly during the course of this debate regarding the need for agriculture workers. Also, the hotel industry and the construction industry rely upon immigrants.

If we were to take away the 11 million undocumented immigrants, there would be a tremendous shortage of necessary labor. As a Senator from a State with 12 million people, a whole procession of constituents have talked to me about what would happen if the immigrant workers were suddenly eliminated in the United States, in my State, Pennsylvania.

In this legislation we have an orderly way to handle the 11 million undocumented immigrants who are in this country. Putting them on the path to citizenship is a key ingredient. Specifying that they have to work for substantial periods of time. They have to be employed, contributing to the economy, contributing to the tax base. That is in addition to passing a criminal check and paying their back taxes and the very, very substantial fees which are collected.

So there is no doubt, no doubt at all, in the aggregate, the immigrants play a vital part in making our economy expand and thrive. If you take it in the macro sense, where would this country be in the year 2006 without immigrants?

For one thing—and perhaps a minor matter—ARLEN SPECTER would not be here because both of my parents were immigrants, and perhaps most of the Senators would not be here, maybe even Senator SESSIONS. His ancestry goes back to 1850. I know because I made a trip to the Amazon with him, and we traced the path taken by an uncle. He is quoted in today's newspaper as still being angry that Abraham Lincoln killed one of his ancestors. But immigrants produced Senator SESSIONS. Immigrants produced everybody in this room, and virtually everybody in the country.

Now, where would we be if the immigrants had not come to make this a thriving capitalistic country? Where would we be? The same thing applies to the future. If you are going to cut off the immigrants, the 11 million who are here now and a calibrated guest worker program, it would be devastating to the economy, taking into consideration all of the ramifications.

So just because there is a scintilla—that may be an overstatement: ''a scintilla''—that the budget point of order can hang on, on section 407 of the Budget Act—I do not know of any substance smaller than a scintilla or I would cite it; perhaps a molecule is smaller than a scintilla. Scintilla is a legal term, which does not amount to very much when you talk about $5 billion over a 10-year period from 2016 to 2056.

We have some very serious business at hand; and that is passage over an immigration bill to protect America's borders and to see to it that America's economy is strong. It would be tragic if this bill were to fail on an arcane technicality. And I am concerned that this vote may be close.

I urge my colleagues to look at the broad picture here and, most fundamentally, not to use this artifice, this tactic to defeat an important bill.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 11 minutes 10 seconds.

Mr. SPECTER. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. LEAHY. Mr. President, I hope that Republicans will not succeed in derailing comprehensive immigration reform through procedural gamesmanship. I hope the bipartisan coalition is strong enough to withstand this ploy. With respect to funding, I find it ironic that the Senator who added a billion dollars to the bill is now complaining that it is too expensive and that so many in the Republican majority who have failed to enact a budget and have violated the requirements of the law by their failure are considering using budget rules to defeat this measure.

We are long past the time when individual Americans dutifully file their taxes and the Congress is required to enact a Federal budget. That date, April 15, has both those legal requirements. But unlike filing tax returns and paying our income taxes, there is no provision in the law that allows the Republican-controlled Congress to call a timeout or obtain an extension. Although Republicans remain in charge of the White House, the Senate, and the House, they have utterly failed to enact a Federal budget. With respect to the budget, they have succeeded in turning the largest budget surplus in our history into the largest deficit. They have run unprecedented annual budget deficits for year after year of $300 billion to more than $400 billion. They have turned a $5 trillion surplus into a $9 trillion deficit. For Republicans to attempt to take advantage of technical budget rules in these circumstances is simply astonishing. I trust that the only affect will be to remind the American people of their gross budgetary mismanagement.

This bill is expensive to be sure. The enforcement provisions it contains and those that have been added will come at significant costs. When the Senate was considering the amendment proposed by the Senator from Alabama for $1 billion in fencing, I raised the question of how he intended to pay for these measures. I still await an answer. The billions this bill will cost now have not been accounted for and are not budgeted. Paying for the National Guard is requiring the diversion of funds that had been intended for capital accounts and technological improvements. We heard last week from the chairman of the Homeland Security Appropriations Committee about his frustrations and the difficulties of funding these measures.

I trust that the bipartisan coalition working for improved border security as part of comprehensive immigration reform will hold together to overcome procedural, technical, and budgetary objections. I have already suggested ways to pay for these costly enforcement and security measures. I did so last week in connection with the $1 billion fencing amendment of the Senator from Alabama.

After noting the irony of the President signing into law an extension of tax breaks for the wealthiest Americans, I suggested that we end the millionaires' tax breaks and direct those revenues to border security. If we want to return to pay-as-you-go budgeting, that is an obvious way to do it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 2 minutes.

First of all, I would like to point out that this is not that difficult to understand. There are two points of order we can make on spending. We can make a short-term point of order, which is within 10 years, or we can make a long-term point of order, which is in the next 40 years, which is long-term spending.

This point of order is made on the latter, the 40 years. All the arguments that have been made on the floor have been on the first 10 years. So what you can do in this kind of piece of legislation is, you can lump everything to make it look good, and then after the 10 years you put all your spending. That is why we have the long-term provision where you can make a point of order for those of us who are concerned about long-term spending—programs such as Social Security and Medicare, and programs like what we are talking about in this bill that have a profound long-term effect on spending. That is what the point of order addresses.

The Budget Committee is not out here fighting this bill. They are presenting figures to us. And this is what they say: Pursuant to section 407 of House Concurrent Resolution 95, the CBO estimates that enacting this bill would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. That is the last 40 years we are talking about.

All the arguments on this floor have been on the first 10 years. This point of order is about the next 40 years and long-term spending and what it is doing to the long-term fiscal health of this country and the huge deficits that are going to lead to huge debts in the 40 years after the first 10 years. That is what this point of order is all about.

One other point I would like to make is that we are concerned about spending. The figures that are put in here by CBO—they are concerned about spending—these are real figures that will make a difference in American lives, in the next generation of American lives.

We need to face up to our responsibility. When pieces of legislation such as this are on the floor, we need to think seriously about the fiscal impact long term. That is why I made the point of order.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Nebraska?

Does the Senator from Pennsylvania yield time?

Mr. SPECTER. Mr. President, I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HAGEL. Mr. President, I thank you and appreciate the time from the distinguished chairman of our Judiciary Committee.

I rise in opposition to this budget point of order. I have listened attentively to the points made. Certainly, we are not a model of fiscal discipline in this body, in this Congress, as we have run up the debt in this country year after year. But let's be clear about some of the facts.

First, as you have heard from others who have spoken on behalf of this responsible comprehensive immigration reform bill, CBO has scored various dynamics of this. No matter what we do—and more importantly, unfortunately, we have not done much, but no matter what we do, it is going to cost some money. It is going to cost money to reinforce our borders and to do the things that all Members of Congress have felt strongly about—enhancing the security of our border—and what the President has talked about.

But let's go a little deeper into these numbers. The CBO numbers have estimated that this bill will increase total revenues by about $66 billion over a 10-year period. But even deeper than that, what happens when people go to work? What happens when people invest in communities? What happens when there is a multiplier effect in communities?

What happens is that there are more tax revenues. There is more employment. There are more opportunities. There is better education, a higher standard of living, more consumer spending. That is what happens. And that is what we are talking about in this immigration reform bill as much as any one thing.

Now, I do not know how many of my colleagues have actually looked at this bill. This is a pretty good-sized bill—I don't know—550 pages. I think the American people, if they took any time to really read this—it would be boring, but if they would just peruse it, do you know what they would find? They

would find answers we have been debating on the floor of the Senate. They would find national security answers. They would find economic answers. They would find job and employment answers. They would find social fabric answers in this bill.

This is not a bill about one or two things. Yes, the first part is significantly focused on border security. And again, there is little debate about that. But the economic factor here, the consequences are significant, just as all have said today. But the fact is, to be dragged down into the underbrush with subsections of slivers of what we are trying to accomplish here is irresponsible.

Yes, this is an immigration reform bill. But it is also a job generation bill. It is an economic development bill. It is a social fabric bill. It says something about our country.

I think we have done pretty well over the last 4 weeks—in total what we have devoted to debating on this bill—in that we have been able to deflect and knock off amendment after amendment that has not taken a wider-lens view of what we are trying to accomplish.

If we do not address all of the pieces that are in play, the cost will be far more than my dear friends on the other side are talking about. The cost to this society, the cost to our economy will be far beyond what they are talking about. This is not a cheap deal—just border security alone. But I have had colleagues, from Senator MARTINEZ to Senator SPECTER to Senator MCCAIN, on the floor this afternoon explaining what the real facts are.

So I hope our colleagues would recognize this is another attempt to defeat this bill. If this budget point of order is sustained, it will defeat immigration reform, it will defeat the President of the United States, and it will defeat our country.

I yield the rest of my time to the chairman of the Judiciary Committee. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will take a couple minutes, and then I am prepared to yield back the time.

This budget point of order does not mean that S. 2611 would result in a significant net cost to the Federal Government over time. In fact, the revenues that will be produced when the undocumented immigrants become legal residents and start paying income taxes will far exceed the cost of any services they receive.

CBO has determined that passage of S. 2611 will actually reduce the deficit by $12.1 billion over 10 years, and the newly legal immigrants will pay $66 billion in Federal taxes. The cost during the same period will be $54 billion. Thus, there will be a net gain to the Federal Treasury of $12 billion.

There is a reason to believe this same pattern—revenues coming in from immigrants in taxes exceeding the cost of services—will continue in subsequent years. The problem with the budget point of order is that it only looks at new spending in the outyears and does not consider the new tax revenue offsetting the cost of that spending. It does not look at the full picture.

Raising this budget point of order at the end of the Senate's long deliberations on this important legislation is an unfortunate diversion from the real question before us. This legislation will not cost the Federal Government money. It will actually raise revenue and reduce the deficit. But, more importantly, this legislation will address the serious problem of illegal immigration, both by increasing border security and by creating a path to earned citizenship for millions of undocumented workers. It will enhance our security, strengthen our economy, and reaffirm America's fundamental values of justice and inclusion.

Mr. President, I am prepared to yield back time. I do not know what the desire of those on the other side would be.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield 2 minutes to Senator SESSIONS. Then after his comments, I think we will be ready to wrap it up.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, I do not want to impose, but if I might have 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, first of all, I want to say, nobody is talking about ending immigration if this bill does not survive this amendment. The 1 million people who are allowed to enter our country every year will continue to be able to come in under current law. So it is not so to say a vote to pull this unwise and flawed bill, and send it back for further review, is an effort to end immigration, for Heaven's sakes.

We are going to pass, sooner or later, I believe, a bill that will increase immigration, and I will be pleased to support that. However, this one is about three times what the current rate is, and I think that is higher than we ought to approve. So we need to talk about that.

I talked to the Congressional Budget Office people today. They only did a 10-year score. Do you know why the first 10 years look better than the second 10 years? Because under the bill, you basically do not get citizenship until the 11th year, and you become entitled to all the benefits our country can give you in the 11th year, including that you have a right to bring in your aging parents. If 1 out of 10 bring in their parents—1 out of 10—according to Mr. Robert Rector at the Heritage Foundation, that will be $30 billion a year. He also estimates that the basic welfare medical cost for the people who will be given amnesty will be $16 billion. So it is $46 billion. He actually said, in his opinion, it would probably be between $50 billion and $60 billion. That is what he said.

And we do not have a CBO score, people, for the second 10 years. We do not have one. So we have here moving through this body one of the most significant pieces of legislation in decades, and we have no idea what the score is. That is how we get in trouble with spending. The entitlements for the benefits under the bill will not really kick in, in big numbers, until the second 10 years.

But I asked CBO about it. Their 10th year was $10 billion. You figure, if that just continued without an increase for the next 10 years, the second 10 years, under the CBO score, would be over $100 billion. Then, I asked a CBO guy, referring to the Heritage Foundation numbers: Well, do you think it would be worse in the second 10 years? This is the direct quote of what the CBO person told me: Very much so.

Shouldn't we know that? Shouldn't the sponsors of a bill that purports to be comprehensive, that is going to fix immigration problems in America, be able to tell us what the cost of the bill would be in 20 years? The budget point of order goes out 40 years. Through 2056, CBO says this will be a negative. This will be spending above $5 billion, and the budget point of order lies for any of those.

All I am saying to my friends is: We need to stop. We need not to run forward and go off on a bill that costs an extraordinary amount of money without giving it a great deal of thought. We haven't even considered it. Until I received this report on May 16 about what the cost was, nobody even had given any figures on the cost, none. Isn't that how we get in trouble, good friends? Isn't that how spending gets out of control?

I urge my colleagues to understand that this bill has a direct and discretionary spending increase in it of $110 billion over 10 years, that tax revenues come in at $66 billion, which is not countable as a matter of law, but we will count it as a matter of practicality, leaving a total net loss to the Government in the first 10-year window of $52 billion. That is where the budget point of order lies. We ought to sustain it.

We have made progress in making this legislation better since it has been on the floor, but the flaws are so significant and the issues important to immigration have been so little addressed in many key areas that we ought not to go forward. We should pull the bill and get a better one.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. ALLARD. Mr. President, is the other side ready to yield back their time?

Mr. SPECTER. No.

Mr. ALLARD. Then I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes.

Mr. SPECTER. Mr. President, it is a little surprising to find this budget point of order being raised so late in the proceedings. We have been on this bill now for almost 2 weeks. We expect to finish up either late tonight or tomorrow for the 2-week period which was allocated. So had there been a judgment that this bill should fall on a budget point of order, it would have been expected to have been raised much earlier to save the Senate some time.

We have the same parties raising this objection who have raised earlier objections in what is an effort to defeat the bill. They have a right to offer amendments which may be poison pills or may be killer amendments or to raise a budget point of order, but when we are dealing with the vagaries of the Budget Act, we are talking about a $5 billion expenditure, 10-year periods beginning in the year 2016, through 2055. We are dealing in concepts that are not very tangible. And when compared to the importance of this immigration bill, those arcane tactics and procedures are not nearly as weighty as getting some action on this important bill.

I made the argument—Senator KENNEDY followed through on it—that the problem is that this calculation deals with expenditures and not with offsetting revenues. And the expenditures in the first 10 years, CBO says, are $54 billion, and the revenues are $66 billion, for a net gain of $12 billion. That is to say nothing about the importance of these 11 million undocumented immigrants for the economy of the United States. That is to say nothing about the use of guest workers calibrated very carefully for the future.

I urge my colleagues not to accept this artifice and tactic to defeat a bill which is enormously important.

I yield back my time.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. ALLARD. Mr. President, I want to quickly summarize by saying this is about long-term spending. The Congressional Budget Office, a week ago, brought out a cost estimate that explicitly states: Enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. This is a big spending bill in the outlying years. That is what the point of order is all about. It is not difficult. It is straightforward. These are figures that we were presented with from the Congressional Budget Office a little over a week ago. I urge my colleagues to join me in voting no to grant a waiver.

I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. SPECTER. Mr. President, parliamentary inquiry: We will now proceed to a vote on the motion to waive the budget point of order?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to waive section 407 of the budget resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—67

Akaka	Durbin	McConnell
Alexander	Feingold	Menendez
Baucus	Feinstein	Mikulski
Bayh	Frist	Murkowski
Bennett	Graham	Murray
Biden	Hagel	Nelson (FL)
Bingaman	Harkin	Obama
Bond	Hutchison	Pryor
Boxer	Inouye	Reed
Brownback	Jeffords	Reid
Cantwell	Johnson	Salazar
Carper	Kennedy	Sarbanes
Chafee	Kerry	Schumer
Clinton	Kohl	Smith
Cochran	Landrieu	Snowe
Coleman	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Stevens
Craig	Lieberman	Voinovich
Dayton	Lincoln	Warner
DeWine	Lugar	Wyden
Dodd	Martinez	
Domenici	McCain	

NAYS—31

Allard	Dole	Roberts
Allen	Dorgan	Santorum
Bunning	Ensign	Sessions
Burns	Grassley	Shelby
Burr	Gregg	Sununu
Byrd	Hatch	Talent
Chambliss	Inhofe	Thomas
Coburn	Isakson	Thune
Cornyn	Kyl	Vitter
Crapo	Lott	
DeMint	Nelson (NE)	

NOT VOTING—2

Enzi	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 4127

The PRESIDING OFFICER. Under a previous agreement, the next order of business is the Byrd amendment on which there is 2 minutes equally divided.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Byrd-Gregg amendment would provide $3 billion for border security and interior enforcement by assessing a $500 fee on the illegal aliens who would benefit under title VI.

The bill authorizes appropriations for $25 billion over the next 5 years with no means to pay for it. The Byrd-Gregg amendment is a modest fee increase that would help to provide essential border security funds.

So for Senators who want to secure the border, this is the amendment that will provide a source of funding to make it happen.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just so the membership knows, under the existing bill, we are collecting $18 billion in fees. With the Cornyn amendment, there is $5 billion to $6 billion in addition. That is $2,750 for every worker who is going to make their adjustment and try to become a citizen. These are the poorest of the poor. If they have a child, it is going to cost them $100 for every extra child. This amendment is adding another $500.

It seems to me that we have addressed the underlying issue in terms of cost, and this is going to be a major burden for people who work hard and are making the minimum wage. It is a big burden on them. We have adjusted for it. With the Cornyn amendment, I think we have met the responsibilities. If we need to have more, we can come back for more. But I think this is adding an additional burden, and we are doing it for low-income workers who will be covered by this legislation. I hope it will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the Byrd amendment No. 4127.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

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

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—73

Alexander	Burr	Craig
Allard	Byrd	Crapo
Allen	Cantwell	DeMint
Baucus	Carper	Dodd
Bayh	Chambliss	Dole
Bennett	Clinton	Domenici
Biden	Coburn	Dorgan
Bond	Cochran	Ensign
Boxer	Coleman	Feinstein
Brownback	Collins	Frist
Bunning	Conrad	Grassley
Burns	Cornyn	Gregg

Hagel	McConnell	Smith
Hatch	Menendez	Snowe
Hutchison	Mikulski	Stabenow
Inhofe	Murkowski	Sununu
Isakson	Murray	Talent
Kohl	Nelson (FL)	Thomas
Kyl	Obama	Thune
Landrieu	Pryor	Vitter
Lautenberg	Roberts	Voinovich
Lieberman	Santorum	Warner
Lincoln	Schumer	Wyden
Lott	Sessions	
Martinez	Shelby	

NAYS—25

Akaka	Inouye	Nelson (NE)
Bingaman	Jeffords	Reed
Chafee	Johnson	Reid
Dayton	Kennedy	Salazar
DeWine	Kerry	Sarbanes
Durbin	Leahy	Specter
Feingold	Levin	Stevens
Graham	Lugar	
Harkin	McCain	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4127) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4114

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are now ready to vote.

The PRESIDING OFFICER. The next amendment is the Gregg amendment. There are 2 minutes equally divided.

Mr. GREGG. Mr. President, can we have order?

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Senators FRIST, SESSIONS, ALEXANDER, and BOND.

I yield my minute to the Senator from Washington.

The PRESIDING OFFICER. The Senate is not in order.

Mr. GREGG. I will yield my minute to the Senator from Washington.

The PRESIDING OFFICER. Will the Senator please restate his additional cosponsors?

Mr. GREGG. I filed them with the clerk—Senators FRIST, SESSIONS, ALEXANDER, and BOND.

I yield my minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment addresses the diversity lottery program. This is not the asylum program. This amendment is not the H–1B program. This is not the broad immigration program. This is the only program that was added to immigration legislation to try to get diversity from a number of countries that weren't sending immigrants to the United States. This amendment simply says, for those immigrants coming from those countries, let's try to get 70 percent of them to be of the education degrees—technology, math, science—that we need in the United States. That is a benefit to us because those are occupations and expertise which we need. It is also a benefit to those countries as these individuals gain expertise that can later be used in their countries.

I urge my colleagues to support this ''best and brightest'' amendment but still leave diversity for these countries and diversity for those who are nonskilled as well.

The PRESIDING OFFICER. Who rises in opposition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in the time that the Senator from Washington has been in the Senate, I have never differed with her except on this one occasion I do.

We have 860,000 individuals who come here. They primarily come here from Asia or from South America. We have a diversity program to permit in 42,000 of the 8 million from around the world who apply for this program who otherwise would never have the opportunity to come here. We have increased the high-tech people by three times in this legislation—three times. All we are saying is America: diverse America, melting pot America. If these individuals come here, they have to have a high school diploma, they have to meet the security requirements, and they can't be a burden on the State. That is just one feature of a very important immigration bill, but it has been an aspect and commitment of our Nation—diversity—since the history of this country.

Let me point out the opposition: the Chamber of Commerce, National Association of Manufacturers, Business Roundtable, et cetera.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4114.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

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

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—56

Alexander	Collins	Hutchison
Allard	Conrad	Inhofe
Allen	Cornyn	Isakson
Baucus	Craig	Johnson
Bennett	Crapo	Kyl
Bond	DeMint	Landrieu
Bunning	Dole	Lott
Burns	Domenici	Lugar
Burr	Dorgan	Martinez
Byrd	Ensign	McConnell
Cantwell	Frist	Murkowski
Chambliss	Grassley	Nelson (FL)
Coburn	Gregg	Reed (RI)
Cochran	Hagel	Roberts
Coleman	Hatch	Santorum
Sessions	Stevens	Thune
Shelby	Sununu	Vitter
Smith	Talent	Warner
Specter	Thomas	

NAYS—42

Akaka	Feinstein	Menendez
Bayh	Graham	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (NE)
Boxer	Jeffords	Obama
Brownback	Kennedy	Pryor
Carper	Kerry	Reid (NV)
Chafee	Kohl	Salazar
Clinton	Lautenberg	Sarbanes
Dayton	Leahy	Schumer
DeWine	Levin	Snowe
Dodd	Lieberman	Stabenow
Durbin	Lincoln	Voinovich
Feingold	McCain	Wyden

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4114) was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall No. 141, I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

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

AMENDMENT NO. 4025

Mr. SPECTER. Mr. President, I believe we are now prepared to go to the Landrieu amendment. It is an amendment which Senator KENNEDY and I had earlier stated we found agreeable. There have been some reports that there might be objections. If there are no objections, we can take Senator LANDRIEU's amendment on a voice vote. I urge adoption of the Landrieu amendment.

Mr. KENNEDY. I ask unanimous consent that the time be vitiated.

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

The question is on agreeing to the amendment.

The amendment (No. 4025) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4101

Mr. SPECTER. Mr. President, I believe we are now prepared to vote on the final amendment in this sequence.

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Hutchison amendment.

Who yields time?

Mrs. HUTCHISON. Mr. President, this amendment is a pilot program which is based on the Canadian guest worker program with Mexico. It has worked successfully for over 30 years. It would provide a safe, tamper-proof visa for people coming into this country to take jobs that Americans are not filling. The guest worker would retain citizenship in his or her own country. It doesn't replace anything in the bill. It is in addition to what is in the bill.

The American Farm Bureau supports this.

I hope that we will get a good, solid vote. This is something that could be part of an overall balanced solution to the problem we are facing. It is another option for people who want to work but do not seek citizenship in our country.

I hope my colleagues will support this amendment. It could be part of the final solution to a good bill that we would all like to support.

Mr. KENNEDY. Mr. President, this creates an entirely new guest worker program without the kind of protections for the workers that are included in the underlying legislation. It is 10 months and then 10 months with no path to be able to go forward. We have a good temporary program that has been built in. It has been modified from 400,000 down to 200,000. But why now invite an entirely new guest worker program without the worker protections? This is going to be another Bracero issue question, and we don't need to repeat that period. I hope it will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

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

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

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—31

Alexander	DeMint	Lott
Allard	Dole	McConnell
Allen	Ensign	Roberts
Bennett	Frist	Santorum
Bond	Grassley	Sessions
Burns	Gregg	Sununu
Coburn	Hatch	Thomas
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Cornyn	Johnson	
Crapo	Kyl	

NAYS—67

Akaka	Domenici	Martinez
Baucus	Dorgan	McCain
Bayh	Durbin	Menendez
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murkowski
Boxer	Graham	Murray
Brownback	Hagel	Nelson (FL)
Bunning	Harkin	Nelson (NE)
Burr	Inouye	Obama
Byrd	Isakson	Pryor
Cantwell	Jeffords	Reed
Carper	Kennedy	Reid
Chafee	Kerry	Salazar
Chambliss	Kohl	Sarbanes
Clinton	Landrieu	Schumer
Collins	Lautenberg	Shelby
Conrad	Leahy	Smith
Craig	Levin	Snowe
Dayton	Lieberman	Specter
DeWine	Lincoln	Stabenow
Dodd	Lugar	Talent
Durbin	Martinez	Warner
Feingold	McCain	Wyden
Feinstein	Menendez	
Graham	Mikulski	
Hagel	Murkowski	
Harkin	Murray	
Inouye	Nelson (FL)	
Isakson	Nelson (NE)	
Jeffords	Obama	
Kennedy	Pryor	
Kerry	Reed	
Kohl	Reid	
Landrieu	Salazar	
Lautenberg	Sarbanes	
Leahy	Schumer	
Levin	Shelby	
Lieberman	Smith	
Lincoln	Snowe	
Lugar	Specter	
Martinez	Stabenow	
McCain	Talent	
Menendez	Voinovich	
Mikulski	Warner	
Murkowski	Wyden	

NOT VOTING—2

Enzi	Rockefeller

The amendment (No. 4101) was rejected.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object, but I just want to find out what the regular order is because I am prepared to offer an amendment. I want to make sure that is still the plan on both sides, that that will happen after the Senator from Georgia speaks.

The PRESIDING OFFICER. There is no agreement to that effect at this time.

Mrs. BOXER. OK. Then I must object at the moment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WARNER. Mr. President, has the motion to reconsider and the motion to table been stated?

The PRESIDING OFFICER. It has not.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. 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. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

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

Mr. ISAKSON. Mr. President, I thank you and I thank the Members for allowing me this courtesy.

MINE SAFETY LEGISLATION

Mr. President, I just received a phone call about 30 minutes ago from the House of Representatives to notify me they are prepared, tomorrow, to agree to the mine safety bill which this Senate just passed today. That is record speed for the House of Representatives. It is record speed for the Senate. But it proves that Congress can respond to a great tragedy.

Certainly, with the Sago mine disaster of January 2, followed by other disasters, and now the recent Kentucky disaster, it was very important that we look at all the mine safety issues, all the occupational safety issues, and look at coal mining.

I want to pay tribute today to the staff that worked so diligently, the staffs of Senator KENNEDY and Senator ENZI, the staff of Senator MURRAY, my staff, and the staffs of the two distinguished Senators from West Virginia, Mr. ROCKEFELLER and Mr. BYRD: Ilyse Schuman, Brian Hayes, Kyle Hicks, Holly Fechner, Portia Wu, Sharon Block, Ed Egee, Bill Kamela, David McMaster, Ellen Doneski, and John Richards.

These individuals worked tirelessly to bring a bill to this floor which we adopted unanimously. I am pleased to tell you the House intends to do the same tomorrow.

I particularly commend Senators ROCKEFELLER and BYRD, in whose State the Sago mine tragedy took place, who have worked tirelessly on behalf of the citizens in their State, and the Senators from Kentucky in their response to this tragedy that took place just last week.

But in symbol of all those brave miners, I want to pay tribute to George Junior Hamner. I went to West Virginia to see the Sago mine families 3 days after they had been found dead in that mine. I met Junior's wife and I met his 22-year-old daughter. His daughter gave me this picture, taken on Christmas Eve, just 8 days before he died in the Sago mine. And she said: Sir, if you will take this back to Washington and make sure, whatever you do, you pass legislation that hopefully will keep people from ever facing the tragedy my father faced in that mine.

So as a tribute to Junior Hamner, to his daughter, to his wife, and to all the families of those who died in the Sago mine tragedy, I pay tribute to the Senators from West Virginia, the Senator from Washington, Mrs. MURRAY, to Senator ENZI, the tireless chairman of this committee, who has worked tirelessly to see this happen, and to all the Members of this great body for passing legislation to respond to a tragedy—with hope, with reasoned responsibility, and with the promise for better technology and better safety in the future of all coal miners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following amendments be in order; further, that these be the only remaining amendments in order other than the managers' amendment: Senator BOXER, amendment No. 4144, with 24 minutes equally divided; Senator BURNS, amendment No. 4124, with 10 minutes equally divided; Senator CHAMBLISS, amendment No. 4084, with 40 minutes equally divided; Senator CORNYN, amendment No. 4097, with 40 minutes equally divided; and that at the conclusion of the debate on these four amendments, we proceed to four stacked votes, with the first vote on the Boxer

amendment being 15 minutes, with 5 minutes overtime, according to our practice, and the following amendments being 10 minutes, with 5 minutes overtime; and that tomorrow morning we proceed with the Dorgan amendment No. 4095, with 30 minutes equally divided; Senator BINGAMAN, amendment No. 4131, with 40 minutes equally divided; Senator SESSIONS, amendment No. 4108, as modified, with 1 hour equally divided; Senator FEINGOLD, amendment No. 4083, with 1 hour equally divided; provided further that there be no second-degree amendments in order to the above amendments; provided further that the first four amendments on the list be debated with the four votes occurring in a stacked sequence at the conclusion of debate on the four amendments, with 2 minutes equally divided between each of the amendments, and that following agreement on the managers' package, the bill be read a third time and the Senate proceed to passage, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I say to my friend from Pennsylvania, we cannot yet come to agreement on the modification on amendment No. 4108 by Senator SESSIONS.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, we are awaiting clearance on the modifications as to Senator SESSIONS' amendment No. 4108, so I will restate the unanimous consent request in a more limited form.

I ask unanimous consent that we may proceed to four amendments to debate them this evening: Senator BOXER, amendment No. 4144, with 24 minutes equally divided; Senator BURNS, amendment No. 4124, with 10 minutes equally divided; Senator CHAMBLISS, amendment No. 4084, with 40 minutes equally divided; Senator DORGAN, amendment No. 4095, with 30 minutes equally divided; that the first vote on the Boxer amendment be 15 minutes, in accordance with our usual practice, and the following votes be 10 minutes; provided further that there be no second-degree amendments in order to the above amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, then, we now proceed to Senator BOXER's amendment No. 4144.

The PRESIDING OFFICER. That is the amendment, as modified; is that correct?

Mr. SPECTER. Senator BOXER's amendment No. 4144, as modified.

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

The Senator from California is recognized.

AMENDMENT NO. 4144, AS MODIFIED

Mrs. BOXER. Mr. President, I thank my colleagues on both sides. We made a technical modification. It doesn't change anything, but makes it clearer.

I ask unanimous consent that Senators Dorgan and Stabenow be added as cosponsors to amendment No. 4144.

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. DORGAN, and Ms. STABENOW, proposes an amendment numbered 4144, as modified.

Mrs. BOXER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 265, between lines 7 and 8, insert the following:

''(b) REQUIRED PROCEDURE.—

''(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

''(A) Submit a copy of the job offer, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

''(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

''(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

''(A) first offer the job to any eligible United States worker who applies, is qualified for the job, and is available at the time of need;

''(B) be required to maintain for at least 1 year after the H–2C nonimmigrant employment relation is terminated, documentation of recruitment efforts and responses conducted and received prior to the filing of the employer's petition, including resumes, applications, and if applicable, tests of United States workers who applied and were not hired for the job the employer seeks to fill with a nonimmigrant worker; and

''(C) certify that there are not sufficient United States workers who are able, willing, qualified, and available at the time of the filing of the application.''.

Mrs. BOXER. Would the Chair be so kind as to let me know when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will notify.

Mrs. BOXER. Mr. President, my amendment would require that employers take real steps to attract and hire U.S. workers prior to petitioning the Department of Homeland Security for authorization to hire an H–2C nonimmigrant. In other words, what we are trying to say here is, if there is a job available for an American worker, for a U.S. worker, let's make sure that they get that job before we give it away to an immigrant worker.

Over the next 5 years, a million foreign workers could enter the country under that guest worker program that is in the bill. This is a million new workers who will be competing with U.S. workers for jobs. Advocates of the guest worker program claim that it is needed because Americans are not willing to do the jobs that will be filled by these foreign guest workers. But it seems to me, whether you believe that or not, we need to ensure that every step is taken to hire a U.S. worker first, because these jobs we are talking about are not agricultural jobs. Those are addressed in a different section, the AgJOBS bill. We are not talking about high-tech jobs because we take care of that in another portion of the bill. So let's take a look at the jobs we are talking about. I have them here on this chart.

These are the jobs that will be taken by guest workers unless we can say that, in fact, there is an American worker for their job. I ask rhetorically, will we have U.S. workers for construction jobs? Will we have U.S. workers for food preparation jobs? Will we have U.S. workers for manufacturing jobs? Will we have U.S. workers for transportation jobs? Clearly, if you look at the jobs that are being held today, 86 percent of construction jobs are held by U.S. workers; food preparation, 88 percent; manufacturing, 91 percent; transportation, 93 percent. So obviously, there are workers in this country, U.S. workers who can take those jobs, rather than importing a guest worker to take them. These are good jobs. They pay well. Right now, again, the overwhelming number of them are held by U.S. citizens and legal workers.

Why is it that U.S. workers want these jobs? It is because they pay well. The average worker in the construction sector gets $18.21 an hour or $37,890 a year. Construction work is a good job. It is a job for which there are many U.S. workers. If we are going to open these jobs to foreign workers through the guest worker program, we

better make sure that employers cannot find a U.S. worker who is willing to do the job. U.S. workers deserve to get the first crack at these jobs. All we are saying to the employers is, do anything you can first to make sure you can fill this job with an American worker.

The underlying bill is vague on what employers have to do. That is the reason why we are working with the working people here. We have come up with a very good way to ensure that there are concrete steps that have to be taken by employers before they fill a job with a foreign worker. Again, the underlying bill says the employer has to say: I made a good faith effort. But it does not lay out specific steps that they have to take. So the bill doesn't do enough to ensure that U.S. workers will find out that there are openings, and it doesn't do enough to make sure that they have an opportunity to apply for a job before it is given away to a foreign guest worker.

This amendment throws light on the process. It makes sure the job listings get to the U.S. workers in time to make a difference. I say to colleagues on both sides of the aisle, if you stand with U.S. workers, then vote ''yes'' on this amendment.

What is it that we ask employers to do? It is quite simple. We ask them to submit a copy of the job offer to their local State employment services agency before they file a petition for an H–2C worker. Then the State employment agency is authorized to post the job on the Internet, job banks, and with unemployment agencies. In addition, the agency, if they wanted, could share the job listing with local unions representing workers that are relevant to the job listing.

What else does the employer have to do? I already said they had to notify the State employment agency. They have one more thing they have to do. They have to post in a conspicuous place in the workplace a notice that says there is a job opening. That is all they have to do, put up a notice that there is a job opening. Put it in a conspicuous place, tell the State employment agency there is a job opening, and allow them to recruit. We do not add any more time in the process. It all is done in the same timeframe.

This amendment is a win/win for everyone. It is a win for the employers because they are going to give a good chance to a U.S. worker. It is a win for America's workers. The burdens that we place on employers are practically nonexistent: To notify the State employment department and to post a notice of the job opening.

There is no delay. The bill already requires employers to make a good faith effort, and they have to do that 90 days before they file a petition. All of this will be done in that timeframe.

Our amendment helps U.S. workers find out about job openings before employers file a petition for a foreign worker. Unemployment agencies and unions get a chance to find out about the jobs. They can present those to qualified workers. In fact, both the AFL–CIO and the Teamsters strongly support this amendment.

We think as a result of this amendment, the news of a job is spread broadly. And hopefully a U.S. worker will fill the position. If not, the employer is free to file his petition and recruit a foreign guest worker. I believe if we do not impose adequate recruitment procedures, it is the U.S. worker who will ultimately pay the price and, frankly, revolt against this bill. Jobs that should have been filled domestically will be given to foreign workers, and that is wrong. Unemployment will increase, and there will be downward pressure on wages and working conditions. This amendment would help ensure that companies will be able to get the workers they need and that U.S. workers will have a chance to fill those positions.

I retain the remainder of my time.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objectives outlined by the Senator from California I agree with; that is, to have a period of time to find an American worker so that we don't have a guest worker fill a job when there is an American worker available. We ought to do that—to protect American jobs before we bring in guest workers. The bill currently has a 90-day period during which employers find out if there are willing American workers before a job is offered to a guest worker. I believe that is a preferable course. You spend 90 days looking for an American to fill the job, but if you find, at the expiration of the 90 days, there is no American who wants the job, then you give the job to a guest worker, as opposed to giving the job to a guest worker and then looking for somebody for 90 days after that. That keeps the guest worker on tenterhooks, not knowing whether he or she has the job or not. That may lead the prospective guest worker to go elsewhere and conceivably could lead the prospective guest worker to try to enter the United States illegally since he or she doesn't know whether or not they have the job.

Mrs. BOXER. Will the Senator yield for a moment?

Mr. SPECTER. OK, on your time.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, this is not what we do. Before a guest worker is hired, we ask the employer to do two things during the 90-day period, the same period. We ask him, like the bill says, to make a good faith effort. And part of that we define as posting the job in the workplace and calling the local State employment department. And then if they can't find an American worker, then they can hire a guest worker. We don't say it is after the guest worker is hired. I felt compelled to tell my friend. Please, if you could reread the amendment, because what we say is during that 90-day period that you have, we are only adding a requirement of simply posting that position and notifying the department of employment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the current legislation, the bill, provides that the employer must try to find an American worker, must make that effort for 90 days before the employer offers a job to a guest worker. Isn't that correct, if I may direct that question to Senator BOXER?

Mrs. BOXER. I read the section of the bill several times. What you have in the bill is very good. It says the employer must make a good faith effort before hiring a guest worker, and he or she has to take 90 days. All we do is say, in that 90-day period, the employer must post a job notice in the plant and notify the department of employment. That is all we are doing. We don't change anything in the bill. We just say during the 90-day period, post the job and let the State Department of Employment know. I don't understand why we have a problem with this.

Mr. SPECTER. Mr. President, the amendment which I have before me, offered by the Senator from California, does more than that.

How much time remains on this amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes and 25 seconds.

Mr. SPECTER. Mr. President, if the Senator from California has accurately described her amendment, we may not be too far apart. What I would suggest is that we set aside the Boxer amendment so we can talk about it—maybe we can come to terms—and proceed at this time to the Burns amendment. I believe Senator CHAMBLISS is on the premises. This amendment will not take long. We will be prepared to go to the Chambliss amendment shortly.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I assume the manager of the bill is inviting us to proceed with our amendment.

Mr. SPECTER. Correct.

Mr. BURNS. And the Boxer amendment has been laid aside.

Mr. SPECTER. Correct.

AMENDMENT NO. 4124

Mr. BURNS. I ask unanimous consent to call up amendment No. 4124.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. STEVENS, and Mr. INHOFE, proposes an amendment numbered 4124.

Mr. BURNS. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the director of the bureau of the census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several States and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

Mr. BURNS. Mr. President, I ask unanimous consent that Senator STEVENS and Senator INHOFE be added as cosponsors to this amendment.

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

Mr. BURNS. Mr. President, this is a pretty straightforward amendment. Throughout this debate on immigration, we have heard how illegal immigration affects practically every aspect of our life. What many may not realize is that illegal immigration also affects the very foundation of this country—our system of representation, especially in the House of Representatives.

Currently, the policy of this Government is to count illegal aliens in the U.S. census and to use those numbers for reapportioning seats in the House of Representatives. Studies and census data also show that most illegal immigrants reside in just a few areas of the country. And just by being there, illegal aliens have a great deal of influence on how the seats of the House of Representatives are distributed among the States.

I ask the manager of the bill how he wants to proceed on this amendment?

Mr. SPECTER. Mr. President, if my understanding is correct, the thrust of the amendment by the Senator from Montana is to request a study on this issue.

Mr. BURNS. That is correct. This directs the Census Bureau to take a study and get the true impact of how counting illegal aliens affects the reapportionment in the House of Representatives.

Mr. SPECTER. I believe the amendment is a good one. We are prepared to accept it and move to a voice vote.

Mr. SALAZAR. Mr. President, reserving the right to object, I ask a question of the Senator from Montana. Some on our side have been concerned that the amendment would give new mandates or authorities to the Census Director beyond the study which you have described. Is this amendment intended to give any additional authority to the Census Bureau other than conducting a study as you described?

Mr. BURNS. It is not.

Mr. SALAZAR. Again, to reiterate my understanding of the proposed amendment, it is that you would request and require the Census Bureau to conduct a study on the impact of undocumented workers in this country on reapportionment?

Mr. BURNS. That is correct.

Mr. SALAZAR. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 4124) was agreed to.

Mr. BURNS. I thank the managers of this legislation. I felt all along that we should look at this just like we looked at employers. So I thank the managers of the bill, and I yield the floor.

Mr. SPECTER. Mr. President, I think we are prepared to move to the amendment by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4084

(Purpose: To modify the eligibility requirements for blue card status and to increase the fines to be paid by aliens granted such status or legal permanent resident status)

Mr. CHAMBLISS. Mr. President, I call up amendment No. 4084.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 4084.

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

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

(The amendment is printed in the RECORD of Friday, May 19, 2006, under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 20 minutes, and a Senator in opposition will be recognized for 20 minutes.

Mr. CHAMBLISS. Mr. President, this is a very simple amendment. I refer to it as an American values amendment because I think it reflects the values that all Americans hold. It is no secret that I think the approach in this bill to reform immigration as it pertains to agriculture is wrong. I don't agree with amnesty, and I don't think it is in the best interest of American agriculture.

Even so, when I read the fine print of this bill, I am shocked to see who can qualify for the agricultural amnesty provisions in the bill. They are different and a separate amnesty for what exists for the 12 million or 20 million or however many millions of nonagricultural workers who are expected to adjust status under the base bill.

We have heard the proponents of the bill on the floor of the Senate discuss how it is not an amnesty bill. They point to the strict requirements that current illegal workers must meet in order to adjust their status. Illegal immigrants under the base bill, in order to adjust their status, must learn English, pay back taxes, pay a stiff penalty, and go to the back of the line in order to apply for citizenship. The people who are telling the American people this are obviously not referring to the AgJOBS portion of this bill.

If they read the AgJOBS portion of this bill, they will see that, in fact, there are substantial differences relative to the requirements for adjusting status. For agricultural workers to adjust status, they don't have to learn English, they have to pay a total of $500, they have to have worked a minimum of 150 hours over the past 2-year period leading up to December 31, 2005, and they don't have to wait at the back of the line.

This amendment I have filed does three very simple things. First, it inserts a requirement for agricultural workers to learn English if they are going to adjust their status. This is an important standard that we should insist be met by all illegal workers who are going to be put on a new path to citizenship. Why should agricultural workers be exempt from learning English when every other illegal worker under the base bill must demonstrate not only knowledge of English, but also a knowledge of U.S. history and Government?

The answer is that they should not be. We know it is important for the folks to learn English. We also know it is far more likely that if the requirement to learn English exists, then a far greater number of agricultural workers will learn it than not. In addition, this body voted just last week to make English the official language of our country. The least we can do is require folks who are obtaining an enormous benefit and privilege—the right to be U.S. citizens despite having broken our laws—to learn English. They have to do that under the base bill. They ought to be required to do that under the AgJOBS portion of this bill.

Second, this amendment would bring about the amount of fines that must be paid by illegal agricultural workers into conformance with what other illegal workers must pay in order to stay in the United States while on a path to citizenship. The nonagricultural worker must pay a penalty of $2,000 to remain in the United States and work despite their current illegal presence; whereas, agricultural workers must only pay $100. Well, $100 is not what I call a stiff penalty; $100 is one trip to the grocery store; $100 is two tanks of gasoline; $100 is a new pair of fancy tennis shoes; $100 is 33 gallons of milk; $100 is not the blue light special price of U.S. citizenship.

Third, this amendment strengthens the prior work requirements for illegal agricultural workers to obtain blue card status, which puts them on a new path to citizenship. Strengthening this requirement is important for two main reasons. First, because we know that agriculture is a traditional gateway for illegal immigration. Many illegal immigrants come to the United States to work in agriculture for a period of time and then move on to other areas of the country and to other industries. We also know that the number of agricultural workers who can adjust status under this bill is capped at 1.5 million.

If the threshold requirements, cost, future work and language requirements

for adjustment of status are so much lower for agricultural workers than for the rest of the illegal population, there will be a significant incentive for those folks who spent a minimal amount of time in agriculture and have since moved on to try to adjust their status through the agricultural amnesty provision. After all, we all tend to choose the cheapest and easiest means of obtaining the things we want. The folks who are here illegally will not do otherwise. I believe this incentive will result in a situation in which many folks who are currently working in agriculture will be beat to the punch in obtaining a blue card by those no longer in agriculture, or who work only part time agricultural jobs.

At the end of the day, it is very likely that this amnesty won't benefit those it is intended to help. So while I wholeheartedly disagree with granting amnesty, if we are going to do it for agricultural workers, let's make sure it is reserved for those working permanently in agriculture.

The second reason it is important to strengthen the past work requirements is because they are generally reflective of future work requirements. If someone cannot be employed for more than 150 days per year, then they should not become a permanent U.S. citizen, but they should be under a temporary worker program.

Again, the three things that this amendment does are: First, require that agricultural workers learn English, just like everyone else, in order to be able to adjust status. Second, increase the penalty fees necessary for agricultural workers to adjust status into conformity with the fees paid by every other illegal worker under the base bill. Third, strengthen the work requirements an illegal agricultural alien must meet in order to adjust status.

Because the first two goals are relatively clear, I will explain further the third one, the strengthened work requirements. If you look on page 397 of the bill, you will see some important definitions for the AgJOBS title. One that I am seeking to change with this amendment is the definition of a workday.

The term ''workday'' means any day in which the individual is employed for 1 or more hours in agriculture in the AgJOBS title. A 1-hour workday will allow illegal aliens to meet their workday requirements. There are many hard-working Americans across this country who work long hours each day, some in multiple jobs, to provide for their families. It doesn't seem fair to those hard-working Americans to allow illegal immigrants to obtain the prized possession of U.S. citizenship for a 1-hour workday. That is not an American value, and most people spend 1 hour getting ready for work. You can wash and dry a load of clothes in 1 hour. You can watch two episodes of the Andy Griffith show in 1 hour. One hour is not a full workday, and I don't know of a single farm in this country that requires folks to work for 1 hour per day—yet under this bill, that is possible.

Therefore, a key provision of this amendment changes the definition of a workday from 1 hour to 8 hours. This reflects what a workday is to most Americans. Not only that, it is in line with what many agricultural workers are already doing. According to the latest National Agricultural Workers Survey, published by the U.S. Department of Labor in March 2005, the average number of hours worked per week by agricultural workers was 42 hours.

A Congressional Research Service report, entitled ''Farm Labor Shortages and Immigration Policy'' reveals that ''recent data reveal no discernible year-to-year variation in the average number of weekly hours that hired farmworkers are employed in crop or livestock production.''

According to the National Agricultural Statistics Service Farm Labor Survey, ''the average work week of hired farmworkers has ranged around 40 hours since the mid 1990s.''

Now, on page 398 of the bill, it tells you who can get a blue card, which is the amnesty mechanism for agricultural workers in this bill—because once you get a blue card, you are all but assured to get a green card. It says:

> Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien has performed agricultural employment in the United States for at least 863 hours, or 150 work days, whichever is less, during the 24-month period ending December 31, 2005.

If a workday is defined as one or more hours in agriculture and an illegal agricultural worker must have worked 150 days in agriculture over a 2-year period, then illegal aliens who work 150 hours in agriculture automatically become eligible for a blue card and then virtually are assured of a green card after that.

Doesn't that seem like a low threshold requirement for getting permanent resident status in the United States, is the question I ask my colleagues?

For many around the world, U.S. citizenship is the pot at the end of the rainbow that they spend their lives chasing, and in this bill, we are going to give that away to those who worked 150 hours over a 2-year period in agriculture. I don't think that is right, and I don't think it is reflective of the values that most Americans hold.

Another key provision of this amendment, therefore, changes the past work requirement necessary for an illegal agricultural worker to obtain a blue card from 863 hours, or 150 days, over a 2-year period, whichever is less, to 150 work days per year over a 2-year period.

Some might say this is an impossible requirement to meet, but according to the National Agriculture Workers Survey published in March 2005, only 8 percent of agricultural workers had worked on U.S. farms for less than 2 years. Even if that were not the case, let's think about what the bill proposes to do.

The bill proposes to confer permanent resident status on folks who do not work more than 150 days per year. According to my calculations, that is about 7 months per year. That leaves these agricultural workers unemployed for 5 months out of the year, and it seems to make more sense to me to make folks who work less than 150 days per year temporary workers rather than legal permanent residents.

How are they going to support themselves working less than 8 hours per day and for less than 150 days per year? We already know that employers of blue card workers do not have to pay more than minimum wage, and we also know that they don't qualify for public assistance for the first 5 years they are here. So what are they to do? This is a crisis waiting to happen. We have a temporary agricultural worker program that can and should be used by these employers who have jobs that last less than 150 days per year.

While this amendment only changes three main things to try to provide parity between the agricultural adjustment program and other adjustment programs within the bill, there are a number of other differences that make the agriculture amnesty program much more attractive to illegal immigrants. Let me run through some of the major discrepancies between what is required of illegal agricultural workers compared to what is required of the general population of illegal workers in order to adjust status under the base bill.

For those here illegally for 5 years or more who receive green cards, they must have worked at least 3 years during the 5-year period ending April 5, 2006, and must work for 6 years after the date of enactment of this bill. In contrast, agricultural workers only must have worked 150 hours over a 2-year period and going forward only have to work 575 hours per year.

In addition to learning English, nonagricultural illegal aliens must demonstrate a knowledge of history and Government in the United States in order to adjust to that status. In contrast, agricultural workers under the bill do not have to learn English, nor do they need to have a knowledge of the history and Government of the United States. For nonagricultural workers, there is a requirement that illegal aliens register with the Selective Service if within the age period required, but agricultural workers do not have to do this.

Nonagricultural illegal aliens cannot adjust status until the earlier of either, one, the consideration of all green card applications filed before the date of enactment of this bill or, two, 8 years after the date of enactment of this bill.

In the AgJOBS portion of this bill, illegal aliens can get a green card in as short as 3 years without having to go to the back of the line.

Nonagricultural illegal aliens and their spouses and children must submit fingerprints to relevant Federal agencies to be checked against existing databases relating to information for criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status. This is not the case for agricultural workers.

Illegal agricultural workers must submit proof of their prior work to qualify for a blue card, and the Department of Homeland Security is affirmatively barred from sharing that information with anyone unless a law enforcement entity asks for it in writing to use in connection with a criminal investigation or prosecution or an official coroner asks for it in order to identify a deceased person.

And lastly, before a nonagricultural illegal alien is granted employment authorization or permission to travel, the alien must undergo a name check against exiting databases for information relating to criminal, national security, or other law enforcement actions. Not so for agricultural workers. In the AgJOBS portion of the bill, an alien is given employment authorization in the same manner as if that alien is a green cardholder and can travel freely without such a background check around our country.

For those nonagricultural workers here illegally between 2 and 5 years, they must have been employed in the U.S. before January 7, 2004, and not unemployed for longer than 60 days. In contrast, an agricultural worker only has to have been employed for 150 hours.

To qualify, the alien must complete an application that requires answering questions concerning his physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals who engage in terrorism, genocide, persecution, or to seek to overthrow the Government of the United States, voter registration history, claims to U.S. citizenship, and tax history. No such requirement is levied on agricultural workers under the AgJOBS title.

Illegal aliens who fall under the category of deferred mandatory departure status must be personally interviewed by the Department of Homeland Security. There is no similar requirement for agricultural workers under the AgJOBS title. The alien cannot obtain the deferred mandatory status until he submits biometric data to the Department of Homeland Security and all appropriate background checks are completed to the satisfaction of the Department of Homeland Security.

Mr. President, I could go on and on, but there is a clear differential in how illegal agricultural workers are treated in the AgJOBS title and how illegal workers are treated under the base bill. We should treat them all the same if we are going to give to them the pathway to one of the greatest treasures in the history of this world, and that is American citizenship.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time in opposition?

Mr. SPECTER. How much time would Senator CRAIG like?

Mr. CRAIG. Mr. President, first, how much time remains for the proponents of the bill?

The PRESIDING OFFICER. There is 1 minute and 20 seconds remaining.

Mr. CRAIG. I ask that I be yielded up to 10 minutes of the 20 minutes, and I be notified when my 10 minutes is expired.

Mr. SPECTER. I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I once again stand in opposition to a Chambliss amendment, and I do so not with any great pride—frankly, with disappointment—because I went to the Senator to see if we could work out a few differences. But it was obvious that the Senator was intent on doing one thing, and that was to destroy the transitional tool that creates stability in the American agricultural workforce that is within this bill. That tool is right here. That tool is called the blue card.

We attempt to recognize those in this country who are illegal, who are working in American agriculture, who have been here for 3 years and say: Come forward, and we will allow you then to work in a temporary status with a blue card—no, I am sorry, you do have to take a background check, and if you are a felon, you are out, and if you have three misdemeanors, you are out, and, oh, by the way, now that we just passed Byrd-Gregg, you have to now pay a fine to enter to get the blue card, not of $100, but $600. It is important we do the math on this bill and we get it right.

Once you have qualified for the 150 hours to get a permanent work status, then you pay another fine, not $400, but $900. That is what the new math is as a result of the votes of just a few moments ago.

So I am not so sure we are making it easy on anyone who toils in the hot sun of America's agricultural fields, who create the stability in the American agricultural workforce today. I don't think we are making it easy on anybody. But let's talk about the key to it, and I think the Senator from Georgia said it was the key, and that is the number of hours in the field.

When this negotiated package was put together, we used the Fair Labor Standards Act definition which said 1 hour of work in agriculture creates the day. But we also knew the facts and the reality. Nobody hires any one worker for 1 hour and then they walk off the field. You just don't do that.

The Senator just admitted that the average time in the field was 40 hours a week. Those are the facts, those are the realities of the American agricultural workforce. He requires in his amendment 8 hours a day, but here is what he didn't tell you. If you worked 7½ hours a day, it doesn't count. It is not an aggregate, it is an 8-hour work day.

What about the tomato harvesters in California? They average 6.3 hours per work day, but it doesn't count. It is not an aggregate. It is 8 hours under the Chambliss amendment.

What about Lake County in California? They work 5 to 7 hours per day for orange pickers, not 8. Those are national statistical facts.

What about the Oregon strawberry pickers? They work 7.3 hours per day, not 8. So they could labor in the field 4, 5, 6, 7½ hours a day, and as I read the Chambliss amendment, it doesn't count. They have to work 8 hours a day to begin to develop the standard established in this bill, and that is fundamentally wrong.

What about the peach harvesters in the State of Georgia? Those are H–2A qualified farmers. They, by their own admission—and I have their paperwork—do not work their pickers 7 hours a day.

I think we are being phenomenally fair, but it is important that we don't make this an easy test. These people did enter our country illegally, but they have been here, they have been working hard, they are the backbone of American agriculture, and we are saying: If you come forward and you are honest and you haven't broken the law and you pay a fine going in, you can begin to work, and over a period of 2 to 3 years, 150 hours, you can get permanent work status. Then you can work, you can go home, but you can work in other jobs, too, during the off season of agriculture, if you want. That is the reward of what we are offering. It is fundamentally important that we get this right.

I would like to agree with the Senator from Georgia on his English language requirement. The English language requirement that is in the bill that we just adopted, that was offered as an amendment and a qualifier for the bill, is not as tough as the provision the Senator from Georgia puts in his amendment.

I must say that when I read these facts that are in the amendment, I have to make the determination that this amendment is not to modify the bill; this amendment is to destroy the transitional tool that creates the stability in American agriculture. We know that nearly 70 percent of American agriculture is premised on an illegal employment base. American agriculture knows it, and they want to fix it. They want to get it right.

The Senator from Georgia and I know that H–2A doesn't work. It identifies 40,000-plus; we have over a million in the workforce. We are not going to take them all, and we shouldn't, because we are saying those who have been here for 3 years and can prove it and meet all of these tests and continue to work in the fields are going to

earn the right to stay and work, and that is the stabilizing factor in American agriculture.

Already, instability is showing up in the workforce of agriculture. Why? Because the borders are tightening, as they should be, and it is critically important that we assure and create the transitional tool. So the Senator comes with key plans, key ideas, key amendments. I agreed with his fines, but now we have fines already built in the bill that are equal to his because of the Byrd-Gregg amendment. So that shouldn't be a factor of determination anymore.

I dramatically believe the workday is misrepresented. Let me tell you why. I have an interesting work form here from the Tifton Peach Farmers of Springfield, SC. They by their own admission don't work 8 hours a day; they work 7. No qualification for the hard-working person in the field picking the peaches. That is just fundamentally unfair. Are they illegal? Yes. Did they break the law? Yes. We know that. Yes. Are we forgiving? Well, we fined them. We make them continue to work to qualify, and anybody who has been out there in that farm field knows it is awfully hard work and it is hot and it is dirty. I grew up bucking bails of hay in a farm field. I know a bit of what it is like. And if we are going to require 150 days of work to get through this status into a permanent work status and have the ability to come and go as a legal worker, then we ought to have a well-defined program. Transition is what is important. Cut it off now and create instability.

In the Imperial Valley of California and in Yuma, AZ, we harvest nearly 10,000 crates of green vegetables a day. This past year, we did 2,800 a day. Why? No workers. At some point, if we don't get this right, we will tip American agriculture on its head, and then who pays the price? Who pays the price? The consumer ultimately pays the price, and the green vegetable industry goes south of the border where the workers are available.

That is why, when we sat down to look at American agriculture 5 years ago, we knew we had to have a transitional tool. We knew we had to assure the stability of the existing workforce while we secured the border and while we made sure we got the hard-working illegal ones who hadn't broken laws right, and those who had broken laws, they leave the country. If you came in yesterday or if you came in last June or if you came in the year before, you don't qualify for this. You had to have been here several years already—3 years. You have to prove that. You have to go through a background check. All of that is part of what we do.

Is it different from the other H-plus programs? Yes, it is, a little bit, because agriculture is different. It is the threshold work that the Senator from Georgia talks about. It is where the foreign immigrant enters the country to work. They gain their experience there, oftentimes before they move on or if they were to qualify for other programs that are within this bill.

My effort is to secure and to stabilize. It is not to throw out the blue card. It is my opinion that the Chambliss amendment guts the agricultural provision by destroying the transitional tool we call the blue card, and I believe that is fundamentally important to creating stability to America's agricultural workforce.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are very near the end of the debate on the Chambliss amendment. The Senator from Colorado is going to speak, and then we will be prepared to move to the amendment by Senator DORGAN. I believe he is on his way, and I urge him to arrive at the earliest moment. It is 7:35 now, and we have a series of stacked votes. We are trying to work out the amendment by Senator BOXER. But we are going to conclude this debate fairly soon, and I will repeat, we want to get started with Senator DORGAN's opening arguments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I join my colleague from Idaho in opposition to the Chambliss amendment, with all due respect to my colleague and friend from Alabama.

Over the last several weeks, I have heard many times from the agricultural community in Colorado. The agricultural community in Colorado is strongly in support of the AgJOBS Program. It is only in the last 2 or 3 weeks that I met with the dairy farmers of Colorado. We have 156 dairy farms in my State. They told me that AgJOBS and its passage was so important to them that without having AgJOBS, our dairy industry in Colorado would basically go down the tubes. From their point of view, in their way of articulating the need for this workforce, what they said is the very revitalization of great parts of rural Colorado was very dependent on the passage of AgJOBS. That is why I have been a cosponsor of AgJOBS with my friend from Idaho, because it is the kind of legislation we need to create stability within the agricultural workforce of America. It is not only the dairy farmers, it is also the meat growers, it is the nursery association, and it is all of those agricultural jobs which are so dependent on making sure they have the kind of workforce to keep agriculture as a viable industry within our communities.

The Chambliss amendment is one that also makes it very expensive for people to enter into the program. According to the amendment, it would raise the fine for obtaining a blue card from $100 to $1,000. I think about the fact that these farmworkers are not paid $20 an hour, $100 an hour, $300 an hour. They don't make the kind of money other people in America make. A farmworker is lucky if he can make $10,000 to $12,000 a year. And with that kind of a wage, we are asking farmworkers to pay $1,000 in order to enter into this program if this amendment gets adopted.

The amendment as well doubles the amount of previous agricultural workdays a farmworker has to be employed. In the reality of agriculture and how it works, it is a seasonal kind of labor need where you have potato farmers who require people to come and work sometimes for 2 or 3 weeks at a time. That expectation would essentially exclude a vast swath of farmworkers who otherwise would be coming in through the funnel of the AgJOBS Program.

At the end of the day, what the proposed amendment does is it takes away the opportunity we have to create stability within the AgJOBS Program. I would ask my colleagues to join us in making sure we have stability for American agriculture and hiring labor. I ask my colleagues to join us as well in standing up for those farmworkers who are out there toiling in the fields. I don't think there is a State that any of us cannot drive through and where we haven't walked or driven through those fields and seen the people who are out there toiling in the hot Sun, in the hot summer, July and August Sun, as many of us in this room may have done in the past.

The reality is we need to create a program that will, in fact, work with the agricultural workers of America, as well as for the agricultural industry of America. That is why I am asking my colleagues to join us in opposition to amendment 4084.

Mr. President, may I ask how much time is left on this amendment?

The PRESIDING OFFICER. The opposition has 5 minutes 25 seconds.

Mr. SPECTER. Mr. President, unless the Senator from Idaho wants more time, we are prepared to yield back.

Mr. CHAMBLISS. Mr. President, I have 1 minute 20 seconds; is that correct?

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. CRAIG. Mr. President, if the Senator now plans to close, I don't believe we have anything else to say on this issue, and I yield back the remainder for his closing statement.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute 20 seconds.

Mr. CHAMBLISS. Mr. President, I heard the response to the presentation made relative to my amendment. It is interesting to note that a couple of things were not responded to.

First of all, as I said earlier, this amendment is pretty basic. It requires everybody involved in agriculture who gets on a pathway to citizenship to learn English. Apparently there is no disagreement with that, and this bill does not, in the present way it is written, require that. Apparently there is no disagreement to that.

The Fair Labor Standards Act does say that 1 hour constitutes a workday. But the Fair Labor Standards Act applies to labor laws in the United States. It has nothing to do with the most cherished prize in the world, and that is the citizenship of the United States of America.

Senator CRAIG is my friend, and I appreciate his hard work for the last 5 years or whatever it has been. I had my first vote on modifying H–2A in the House of Representatives 11 years ago. That is how long I have been working on this issue. When he says H–2A does not work, he is wrong. H–2A does work. But what this base bill does is it encourages farmers—and I emphasize this—it encourages farmers to hire illegal workers, and they are going to do that unless we give them the incentive to hire legal workers. The H–2A program will work if we continue to modify it and make it better, streamline it, and allow our farmers to have a quality pool of workers under H–2A.

Mr. President, I ask that my colleagues support the amendment. Let's make this base bill better.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Under the previous order, the Senator from North Dakota, Mr. DORGAN, is recognized.

AMENDMENT NO. 4095

Mr. DORGAN. Mr. President, I call up my amendment No. 4095 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4095.

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

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

The amendment is as follows:

(Purpose: To sunset the H–2C visa program after the date that is 5 years after the date of enactment of this Act)

On page 250, strike lines 5 through 10, and insert the following:

''(a) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may grant a temporary visa to an H–2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R) of section 101(a)(15)).

''(2) SUNSET.—Notwithstanding any other provision of law, after the date that is 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, no alien may be issued a new visa as an H–2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H–2C nonimmigrant pursuant to such subsection after such date.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 15 minutes and a Senator in opposition will be recognized for 15 minutes.

Mr. DORGAN. Mr. President, this is a very simple amendment. The legislation that has come to the floor of the Senate dealing with immigration is legislation that not only describes how we might deal with 11 million to 12 million people who are here illegally in this country, it also says in addition that we need to bring more people into the country who now live outside of our country.

I have on other occasions come to the floor of the Senate and said that I don't think it makes a great deal of sense to have what is called a guest worker program which brings additional millions of people into the country who now live outside of America. Why don't I think that is a good thing to do? Because I think the American workers are under a great deal of stress. They see in this country that there are substantial numbers of jobs being outsourced to China, outsourced to Indonesia, Bangladesh, and other countries. And as jobs are being outsourced in search of cheaper labor and American workers are having trouble hanging on to their jobs or finding jobs or continuing to keep their jobs, even as that is the case, we now see a desire to import jobs—cheap labor—through the back door. That is what this guest worker program is.

This guest worker program, by the way, is a program which purchases the support of the U.S. Chamber of Commerce. Export good American jobs overseas; import cheap labor through the back door. That is what this is all about.

I offered an amendment to strip the guest worker program out. I lost. I understand that. I didn't prevail. Many Senators here voted in a way that says we need more people to come into this country who normally would be illegal, but we will simply describe them as legal under a guest worker program. Well, when we had the vote on my amendment to strip the guest worker program, the Washington Post the next day observed that many of my colleagues many of my colleagues on the other side of the aisle came to the floor intending to vote for my amendment but then switched their vote out of deference to the President who just the evening before had expressed support for a guest worker program.

I understand the Senate has made a decision about this, but I suggest with this amendment that at least with the guest worker program, the guest worker proposal, that we have a sunset after 5 years. The sunset provision which I offer with this amendment would give Congress a chance to examine the impact of the so-called guest workers—or low-wage replacement workers, as I would call them—what impact they will have on U.S. jobs and wages. It ought not be in debate.

I quoted a Harvard professor who did a study that shows the impact of these illegal immigrants, or in this case legal, low wage immigrants who now live outside of our country whom this bill will allow to come into our country.

We now know the impact it will have on American workers. It drives down American wages. It makes it more difficult for American workers. We know that is the case.

Title IV of the bill, which is the guest worker title, calls on the Census Bureau to prepare a study of the impact of guest workers on U.S. jobs and wages. I suggest that not just gather dust. I suggest a study be done and Congress take a good look at the impact and, at the 5-year mark, there will have been 1 million guest workers coming into our country. I suggest the underlying bill be changed at this 5-year point to sunset the guest worker provision so Congress can take a look at it and see what this has done to American workers.

I heard all of this discussion in this Chamber now for 2 weeks about immigration: immigration, immigrants, illegal immigrants, legal immigrants—all about immigration. Where is the discussion about the American worker?

Alan Blinder, former Vice Chairman of the Federal Reserve Board, a mainstream economist, says this. He says here is what the American worker faces. He says there are between 42 million and 56 million American jobs that are subject to outsourcing by America's corporations; 42 million to 56 million American jobs potentially could be sent to China or Indonesia or elsewhere in search of cheaper wages. He says, in his article in Foreign Affairs, not all of those jobs will be outsourced. He understands that. But all of the workers in jobs in that category that are subject to outsourcing are going to be competing against people who live elsewhere, who will accept much, much lower wages, and therefore it puts downward pressure on wages. That is a fact.

Let me describe some of the things that we have decided to sunset so we can take a new look at it. After 5 years, if we sunset the guest worker program to evaluate what impact it has had on American workers, we would be sunsetting it as we have done with provisions in the farm bill, the energy bill, the PATRIOT Act, the bankruptcy reform bill, the intelligence reform bill, the Trade Promotion Authority Act. Sunset it and take a look in 4 years, 5 years, 6 years; take a new look.

I propose with this amendment we sunset the so-called guest worker provision. Let me say again I understand those who have put this legislation together say this legislation has to hang together. If you come to the floor of the Senate and you pull a loose thread, it is like a cheap suit: If you pull a loose thread, the arm falls off and the whole thing collapses. That is always the work of the people who bring something to the floor: It can't be changed.

If it is changed, it destroys the compromise. Shame on those who want to change it.

I am pulling a loose thread here and the arm is not going to fall out. I am saying maybe just once we would have somebody on the floor of the Senate talking about the plight of the American worker. Who are they competing against? What is happening to their wages? I will tell you what is happening. On average, wages decreased $1,700 a year because of back-door immigration, cheap labor through the back door while they export good jobs through the front door. Send the jobs to China and bring in cheap labor through the back door—that is what the construct is. That is what is happening and there is no discussion about what is happening to the American worker.

I understand we have an immigration problem. My feeling is you ought to address it, the first step, with securing America's borders. When you have done that, the second step then is to thoughtfully understand what you need to do with all of those who are here illegally. But there ought not be a third step. If 11 or 12 million people who have come here illegally, if this Congress decides they are legal, why is it we need 400,000 or 200,000 of the people who live outside of our country, who are not here, to come as guest workers, above the H–2A, H–2B, and all the other legal mechanisms by which people can come to this country?

My understanding is the numbers last year show this: 1.1 million people tried to come into this country and were stopped, prevented, most on the southern border; 1.1 million people were stopped at the southern border and turned back. Close to three-quarters of a million, in most cases through the southern border, got to this country illegally and became a part of the 11 or 12 million people here illegally. And 175,000 people came to the southern border and came into this country legally because there are many ways in which to do that.

That is the process by which we deal with the immigration issue. We have a lot of people who want to come in. We stop some, don't stop many, and now the proposition is we should tighten up the border, we should allow guest workers, and we should provide legal status for 11 or 12 million who are here.

I believe we ought to tighten the border, but we ought to do it in a way that makes sense, in a way that really is something that will work. I was here in 1986. All of the discussion we hear now we heard in 1986. None of it worked. I also believe we ought to deal sensibly with the 11 or 12 million people who are already here.

I don't support those who say round them up and throw them out. It is not something we should do or can do. We can't do that, frankly. But I don't understand for a minute why we decide that it is not enough; we should also suggest there are others who do not yet live in this country, don't come to this country, who have not been here, who live elsewhere, who should be invited in as guest workers.

It seems to me the underlying proposition of this bill is to make guest workers out of 11 or 12 million people. We need more? At a time when the American worker is under such siege by competition from companies that decide they want to access 33-cent-an-hour labor in China and take American jobs and shift them to China and then, by the way, the jobs they don't ship overseas they want to replace with low wage workers coming through the back door?

Just once I would like to hear some discussion about the plight of the American worker.

I understand immigration is an important issue. I don't denigrate those who come to the floor who have spent a great deal of time responding to it. My colleague from Arizona is on the floor. He likely will speak against my amendment. I am great friends with him. I have great respect for him. We just have a disagreement on this, as I do with my friend from Pennsylvania.

All I ask is this. We have a very serious problem with jobs in this country, jobs for American workers, people at the bottom of the economic ladder who are struggling, trying to figure out, How do I make enough money to provide for my family? How do I make a salary that is worthy? How do I provide for my family's health care when they are stripping health care benefits? How do I have a pension when they are stripping pension benefits away? How do I keep my job when they are sending my job to China and Indonesia and Bangladesh? How do I do that? At the same time this Senate is talking about issues other than the plight of the American worker. I just wish we could have a mix and a balance of discussions about both.

Yes, immigration is important. Yes, we ought to be sensitive in how we deal with it and thoughtful in how we deal with it. But we also ought to understand our first obligation, our first opportunity here in this Chamber is to speak up and stand up for the plight and the interests of the American workers who are having a pretty tough time.

This amendment is very simple. I suggest that we sunset this guestworker program after 5 years. A million guest workers will have been allowed in after 5 years. All of us know it will be far more than a million, but a million under the 200,000 a year will have been allowed in after 5 years. Let's stop, let's take stock, let's evaluate and understand what the consequences are of this for the American workers. Let's do that.

If we do it for the farm bill, the energy bill, the PATRIOT Act, the bankruptcy bill, the intelligence bill, the trade promotion bill, why would we not do it here? Stop and take stock on behalf of American workers and evaluate what has all of this meant? What has been the consequence for American families at the bottom of the economic ladder, struggling to make a living?

I hope my colleagues will support sunsetting this legislation, the guest worker provision of this legislation, at the end of 5 years so the Senate can take a new look and evaluate what the consequences have been.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from North Dakota is not the only champion of the American worker. When he asks why there isn't some concern for the American worker, there is plenty of concern for the American worker. This Senator, and I know many other Senators in this body, have been very much concerned about imports, about currency manipulation, about manufacturing job losses. We have spoken out and we have acted on those matters. So when the Senator from North Dakota wants to sunset the guest worker provisions, that is fine; but when he asks, ''Who is concerned about the American worker,'' we are all concerned about the American worker. But we have a great many problems we have to accommodate and work on at the same time.

This effort to sunset the guest worker program is just a rehash of his effort to eliminate the guest worker program. We went into great detail on that—extensive debate. And the evidence was laid out from the Judiciary Committee hearings that there is a minimal impact upon the American worker by the immigrants. It is not true that all of the jobs taken by immigrants would not be handled by American workers, but the impact in terms of lost American jobs is minimal.

On the issue of the impact on salaries, again the economists testified in the Judiciary Committee hearings that that impact was minimal. We went into all of that in debate on the earlier amendment, when the Senator sought to eliminate the guest worker program.

This bill is very carefully calibrated to have a guest worker program that responds to the needs of the U.S. economy, while exhibiting ample concern for the U.S. workers. I don't believe we need to debate this at any great length because we have already debated the subject on the amendment by the Senator from North Dakota, trying to eliminate the entire guest worker program.

Let me yield at this time to the Senator from Arizona for 5 minutes, if that is sufficient.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first I would like to say I appreciate very much my friend from North Dakota, with whom I have had the great privilege and pleasure of working with on many issues. He is an articulate and impassioned advocate of the American worker, and his view of what is best for

the American worker I not only agree with, I respect.

But let's have no doubt about what this amendment is really all about. This amendment, if we would sunset the temporary worker program, which is going to take a long period of time to get set up and functioning, obviously would be a killer for the legislation. If we tell people that after 5 years what is designed to be an ongoing and continuing program is going to be sunsetted, and the other parts of the legislation obviously are not, we all know what the effect is.

I want to just make an additional comment about 1986. My colleagues keep coming back and coming back to the failure of 1986. I am the first to admit that 1986 was a failure. But why did it fail? That was because there was no enforcement on employers that hired people illegally. An integral and vital part of this legislation—which we now have the technology in order to construct—is for these tamperproof documents, biometric documents, and no employer can hire anyone else unless they have that. That way it is easy when you go to find out whether the employer is employing someone legally or illegally.

When the word gets out south of the border or north of the border that you can't come here and work unless you have that one required document, then those illegals are going to stop coming illegally.

I think it is important to recognize that the difference between 1986 and this bill is, No. 1, there is an enforceable guest worker program on both employers as well as employees, and there is a hard path to citizenship. Many of my friends on the other side of the aisle who are advocates for these people say this is way too harsh. I understand that it is harsh and it is difficult, and there will be many who fall by the wayside for a variety of reasons.

I worry that we have raised this payment so high now that we may be disqualifying people and their families under that system. We have raised it from $2,000 I think, now, to over $3,500.

It is long and it is hard and it is a tough road. It is because they broke our laws, even if it is for the best of motives. An integral part of it is a guest worker program which has to last as long as we are willing to accept the premise of the temporary worker program. If we are not, then let's take it out of the bill. But to say after 5 years that it is going to sunset obviously is a totally unrealistic approach.

I know my time is about to expire, but, again, I appreciate the passionate and articulate comments and statement which I think present a cogent point of view on the part of my friend from North Dakota. I just happen to fundamentally believe that a temporary worker program is a vital part of this comprehensive approach to immigration reform. Being without it—after 2 years, 5 years, or 10 years—would obviously destroy the whole concept behind this carefully crafted compromise.

I believe my time has expired. I yield the floor.

Mr. SALAZAR. Mr. President, I inquire about the amount of time remaining on both sides.

The PRESIDING OFFICER. The opposition has 8 minutes 30 seconds, the Senator from North Dakota has 2 minutes 7 seconds.

Mr. SALAZAR. Thank you, Mr. President.

I have a great deal of respect for my colleague from North Dakota. I understand his heartfelt concerns as he comes to the floor to argue on behalf of American workers. But I have to reluctantly oppose his amendment which would sunset the temporary worker program.

While his amendment is well-intentioned, the amendment would undermine the carefully crafted compromise that has been struck in the underlying bill. We know that one of the fundamental causes of undocumented immigration is that too few visas exist to meet employers' demands for short-term immigrant labor.

The basic logic of this bill is to fix our broken immigration system. Earned legalization for those already here is an important part of the solution. But on its own, legalization will not solve the problem of future flow. What we need here is a solution that is comprehensive and long-lasting.

When you put the kind of sunset which is being proposed by my friend from North Dakota on this, it will only have a temporary solution in place.

I yield the remainder of our time to my friend from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. KENNEDY. Mr. President, we have had probably 3 years of hearings in the development of this legislation. As a result of the hearings, we found that pressure exist on the border. We also found out in the course of these hearings that there is a great deal that can be done to make the border secure. But if you think you are going to close the border completely and eliminate the magnet of United States employment, that is failing to understand the immigration issue in terms of the border and what is happening here in the United States and what is happening in Mexico and in Central America.

One of the most important aspects of this legislation is trying to get the cooperation of Mexico and the countries in Central America. One of the most important initiatives will subsequently be to try to help Mexico develop so that people want to stay in Mexico and develop and see their own country develop. But as long as we are going to have the economic magnet here, there is going to be the draw. We can extend the fence 500 miles, 700 miles, 1,000 miles, 1,500 miles, but the idea that we are going to close this border and put tens of thousands of border guards down there and not have the pressure to come in here doesn't recognize what the problem is. This legislation attempts to understand the problem.

What we try to do is say, Look, we have the magnet of the United States, we have the vacancy in terms of American jobs, we have the pressure of these people—young people, old people, women, whomever it is—in Mexico, Central America, and Asia who want to come here.

What we are saying is, come through in the orderly process and procedure. Get your card and you will be able to come to the United States with that card when there is a job not being filled by an American worker. And you are going to have worker protection. So you are not going to decrease wages on American workers, and you will be treated fairly and with dignity.

If we think we are going to terminate that and that is going to stop our problem, that fails to understand what the realistic situation is on the border and the pressure that is there in these countries.

I hope that the amendment, with all respect to my friend from North Dakota, is rejected.

As has been pointed out, this compromise is a compromise of legality and a recognition of the pressures that exist on that border.

We believe, if we establish an orderly process and procedure for people to come here with the tamperproof card, and if we have effective implementation and enforcement against employers, that is the best way to assure that we are going to have fairness, both in treatment for these workers and also for American workers.

I stand with those who feel that this is not the right amendment. This isn't the right time. This whole construct of the immigration legislation isn't a 2-year, isn't a 3-year, isn't a 4-year, isn't a 5-year—we are trying to establish something that will serve this country and also serve the countries of Mexico and Central America in the future. That is the construct.

To try to say we are going to terminate an aspect of this after a few years really is a deathblow to the construct of this legislation. I hope that it will not be accepted.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes 57 seconds. The opposition has 2 minutes 58 seconds.

Mr. DORGAN. Mr. President, obviously the opposition has more time. If they are prepared to yield, I will just make some observations for a couple of minutes.

Let me say that I always find it difficult to disagree with my friend. And I sort of have the code here in the Senate over the years. If they say you are

respected, that means they think they are going to beat you by 5 votes. If they say you are articulate, they think they are going to beat you by 10 votes. If they say you are passionate, they think they are going to clobber you by 20 votes.

I understand the language here a little bit.

Let me say this: What if this were a proposal for guest Senators. There wouldn't be one vote for it, would there? But there are no guest Senators. No one here is going to have their job threatened by all of this. This is about guest workers.

My colleague says we can't shut down the border, that there is going to be illegal immigration. Let us be real about this. So the proposition of being real is, let us label those who are going to be illegal ''legal.'' That is the way to deal with this. If we can't shut down the border, they are going to come across anyway, so let us call them ''legal.'' They won't have to call them ''illegal.'' I don't understand that at all.

There are 11 million to 12 million people who are here illegally who this bill is going to say we will give a legal approach to, or an approach to establish legality, and that is not enough. That is not enough. We want to bring more through the book door? I don't think so.

I am not the only one who cares about American workers. I tell you, very few are talking about the impact on American workers. That ought not be some theory. We understand the impact on American workers, those who are struggling to make ends meet, to get a decent salary, to have health care, to have retirement programs and care for their kids. They are wondering about their jobs. The good jobs are being shipped out the front door and the other jobs are being replaced through the back door.

I ask the question: What is happening to the American worker? Take a good look. I ask all my colleagues to take a good look at what is happening to the American worker today in this country.

Alan Binder, a former Vice Chair of the Fed, a mainstream economist, said there are 42 million to 56 million American jobs subject to outsourcing. Not all will go, but all of them are eligible to go and will be competing against people who work elsewhere for 33 cents an hour.

That is a fact. That is not being discussed in this discussion about immigration.

What is the impact on the American worker? And what excuse do we have for adding an additional 11 million to 12 million people and making them legal by this to say we need more, those who live outside this country called guest workers, to come in?

One excuse we are told is we can't keep them out anyway, so let us call them ''legal.'' I don't think that is the way to deal with this. I don't support that.

This is baby step in the right direction, not a big step. At least with this guest worker program, let's sunset it after 5 years, take a look at what it means to the American worker, what it means to this country, what it means to wages and jobs for the American worker. Let's do that after 5 years. This is a baby step. Let's vote for this baby step in the right direction.

I yield the floor.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. GRAHAM. Mr. President, how much time remains, 2 minutes 58 seconds?

Mr. DORGAN. Mr. President, if I might inquire, I thought you were intending to yield back the time. That was the proposition under which I decided to speak. I said that if the other side was prepared to yield back the time, then I will use my time.

Mr. SPECTER. I don't believe anybody said we are ready to yield back time.

Mr. DORGAN. Mr. President, normally the Member who offered the amendment would close. That was my assumption, to close the debate on my amendment.

Mr. SPECTER. Would the Senator from North Dakota like 2 more minutes to close?

Mr. DORGAN. If the Senator wishes to speak, proceed. My understanding was we were going to yield back the time.

Mr. SPECTER. Would you like 2 more minutes?

Mr. DORGAN. Of course.

Mr. SPECTER. I ask unanimous consent for 2 more minutes. That will be the fastest way to proceed.

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

The Senator from South Carolina is recognized for 2 minutes 42 seconds.

Mr. GRAHAM. Mr. President, what I have to say is not worth arguing about, but I appreciate the opportunity to say it.

My good friend from North Dakota and I have worked together on protecting the American workforce from unfair pressure. The American workforce is under assault from unfair trade practices. The truth is that America needs all the decent, hard-working people she can lay her hands on.

In my State, the tourism industry, the construction industry, and the agricultural industry are very dependent on the new blood of migrant workers. And we have a system where people come in and can't be documented. There is no control. To sunset the temporary worker program would create havoc for our economy. From South Carolina throughout this land, these 11 million have assimilated into our workforce. They are doing a darned good job. They are important to our economy.

Unemployment is 4.7 percent. It will never get any lower. Wage growth is over 4 percent. Gross domestic product growth is at 4.5 percent, and the stock market is at 11,000.

The truth is, we have already assimilated these workers, and they are adding value to our country and our economy. The demographics in this country are relevant and won't change. Japan is faced with this. They have a culture that is closed to outside influences, and there are more older people in Japan than younger people. We are about to get there.

We need new people now like we did in the 19th and 20th centuries—good, honest, hard-working people—to keep our economy humming.

If you sunset this provision of the bill, you are bringing sunset to a problem that is overdue to be solved. Let's not let the sun go down on the problem of immigration any longer.

I know what the Senator is trying to do. I respect it, but this would kill this bill.

We should have done this many sunsets ago. We have been derelict in our duty to control immigration, and we are about there. We need those workers.

I yield.

Mr. DORGAN. Mr. President, let me point out that to the 11 million to 12 million people who have come to this country illegally, this sunset issue has nothing to do with those folks. They are here.

I have not come to the floor suggesting that we interrupt the bill with respect to their plans for these folks. I have said in addition to the 11 million to 12 million, the suggestion that we need to bring in more who now live outside the country makes no sense to me. Even as jobs are moving out the front door of this country—nearly 4 million of them have gone in the last 5 years—you can hardly make a strong case that we ought to bring jobs in the back door, and particularly low-wage jobs.

I know that there are not many of us here who spend our days trying to figure out how you get a job at the bottom of the economic ladder, or how do you make ends meet on a minimum wage that hasn't been raised for nearly 9 years, or how you provide for your family at the bottom of the economic ladder and have health care being stripped away and no retirement program. Not many of us experience that. But that is what a lot of American workers are experiencing every single day.

This provision deals only with the issue of the extra guest workers who do not now live here but who this bill says we should bring here because we need them to be here to do those jobs. The fact is these jobs ought to go to people in this country who are struggling at the bottom of the economic ladder. We ought to be fair to those American workers.

I am not anti-immigrant. That is not my point. We have a lot of them in this country, and they enrich and nourish this country. But first and foremost our responsibility is to stand up for the American workers who are struggling.

If Members do not believe they are struggling, look at the data. Look at what is happening in their lives. Look at the jobs that are gone. Go to Shenzhen, China, and look at the American jobs that now exist there. They are paid 33 cents an hour, 7 days a week, 12 to 14 hours a day. If American workers were asked to compete with that, they can't.

My point is very simple. Let's stand up for the American worker. Let's sunset this guest worker provision. Let's do the right thing.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4144, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I would like to return to No. 4144, Senator BOXER's amendment. We had a brief debate, and it appeared we might be able to work it out. I believe we have. The Senator will need to modify her amendment.

I ask unanimous consent she be permitted to modify her amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

The amendment will be so further modified.

The amendment (No. 4144), as further modified, is as follows:

On page 265, between lines 7 and 8, insert the following:

''(b) REQUIRED PROCEDURE.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H–2C nonimmigrant is sought—

''(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

''(A) Submit a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

''(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

''(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

''(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

''(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

''(A) first offer the job to any eligible United States worker who applies, is qualified for the job and is available at the time of need, nothwithstanding any other valid employment criteria.

Mrs. BOXER. I say to my friend from Pennsylvania, thank you very much. Your staff was extremely helpful.

Now we have with this bill more protections for American workers. We have stated in this amendment very clearly that an employer is going to make every effort to offer a job to an American worker before he or she hires a guest worker by simply doing two things: posting the available job, posting that information on the premises; and, second, notifying the department of employment in the State in which the business is located so they can advertise the slot.

I thank, again, Senator SPECTER, Senator KENNEDY, and both their staffs for all their hard work.

I ask this amendment be agreed to by voice vote.

Mr. SPECTER. That is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 4144), as further modified, was agreed to.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SPECTER. Mr. President, we are very close to having a unanimous consent agreement setting forth the proceedings to conclude the bill, but there is still a need to review some more documents. My suggestion is we proceed with a vote on the Chambliss amendment. In between the votes we hope to have the final unanimous consent agreement formed so the Senators will be aware of what we are doing before the second vote starts.

AMENDMENT NO. 4084

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Chambliss amendment No. 4084.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. LOTT).

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

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

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—62

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Hutchison	Obama
Boxer	Inouye	Pryor
Brownback	Jeffords	Reed
Burns	Johnson	Reid
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Shelby
Coleman	Lautenberg	Smith
Conrad	Leahy	Snowe
Craig	Levin	Specter
Crapo	Lieberman	Stabenow
Dayton	Lincoln	Stevens
DeWine	Lugar	Voinovich
Dodd	Martinez	Warner
Domenici	McCain	Wyden
Durbin	Menendez	

NAYS—35

Alexander	Cornyn	Kyl
Allard	DeMint	McConnell
Allen	Dole	Nelson (NE)
Bennett	Dorgan	Roberts
Bond	Ensign	Santorum
Bunning	Frist	Sessions
Burr	Graham	Sununu
Byrd	Grassley	Talent
Chambliss	Gregg	Thomas
Coburn	Hatch	Thune
Cochran	Inhofe	Vitter
Collins	Isakson	

NOT VOTING—3

Enzi	Lott	Rockefeller

The amendment (No. 4084) was agreed to.

Mr. DORGAN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the sequence of votes, the Senate begin a period of morning business; provided further that when the Senate resumes the bill on Thursday, we proceed to the following first degree amendments in the order listed below; further, that these be the only remaining amendments in order other than the managers' amendment: Cornyn No. 4097, 60 minutes equally divided; Bingaman No. 4131, 40 minutes equally divided; Sessions No. 4108, 1 hour equally divided; Feingold No. 4083, 1 hour equally divided; Ensign No. 4136, 30 minutes equally divided; provided further that there be no second-degree amendments in order to the above amendments.

Finally, I ask unanimous consent that all time while in morning business and during the adjournment of the Senate count against the time limit under rule XXII.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REID. My question is, What time does the leader want to come in in the morning? I understand it is 9:15.

Mr. FRIST. We will be coming in at 9:15 in the morning.

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

Mr. FRIST. Mr. President, that means we are, most importantly, on a final glidepath. Those are the amendments which will be considered with those times, and then we will be able to vote on final passage on the bill.

SENATOR WARNER'S 10,000TH VOTE

Mr. President, I would like to pay special tribute to the senior Senator from Virginia, Mr. JOHN WARNER. Tonight he just cast his 10,000th vote.

(Applause, Members rising.)

Mr. FRIST. This year, Senator WARNER became the second longest serving U.S. Senator from Virginia in the 218-year history of the Senate. Since arriving in the Senate 27 years ago, he has forged a long and distinguished record, especially on issues concerning the Armed Forces. He has addressed some of the most fundamental security issues facing this Nation, including the revitalization of the Armed Forces under President Reagan, the restructuring of the military following our success in the Cold War, and the countering of emerging threats from foreign nations and terrorist groups.

It is my pleasure to call Senator WARNER a colleague and a friend. He is a Senator's Senator, representing the best in this august institution. We all congratulate him on his lifetime commitment to serving this country with honor and distinction.

(Applause, Members rising.)

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, when I first came to the Senate, I had the honor of serving on the Environment and Public Works Committee with JOHN WARNER. During part of my tenure there, he was chairman of that committee. No one is more of a gentleman than JOHN WARNER.

JOHN WARNER has a background that is really something all Americans should understand. JOHN WARNER was born in Virginia, attended Washington and Lee College, Virginia Law School. At age 17, he joined the Navy. That was during World War II. But that wasn't enough for him for military service. He again joined the military during the Korean conflict, joining the Marine Corps. He thereafter became Secretary of the Navy and served with distinction as Secretary of the Navy.

I think it is only appropriate that JOHN WARNER cast his 10,000th vote just a week or two after his partner and friend, CARL LEVIN. There is no better example of teamwork than we have had on the Armed Services Committee with JOHN WARNER and CARL LEVIN. It is good that these two brothers were both honored for having cast their 10,000th vote within a matter of weeks of each other. It has been a pleasure to work with both of them.

(Applause, Members rising.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Since I got there first, I insist upon being recognized first. I will be very brief. I will only say that there is no greater example of civility and decency and honor and integrity in the U.S. Senate than JOHN WARNER. It is a privilege and true honor to have served with him. He is the most accommodating of Senators. I will sum it up with one thing: as long as there are JOHN WARNERs in the Senate, the Senate is in good hands.

(Applause, Members rising.)

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. ALLEN. Mr. President, as the senior Senator from Virginia always refers to me as the ''junior Senator from Virginia,'' what an honor it is to serve with Senator JOHN WARNER. He has served our country since World War II, through Korea, in a variety of ways. He is a genuine American hero who has just made history tonight, his 10,000th vote cast.

There have only been 25 other Senators in the 218 years of the U.S. Senate who have cast that many votes. I know I speak for the people of Virginia, as his partner, and for all of our colleagues on both sides of the aisle, we look forward to casting many more votes with this genuine American hero who has devoted his life to freedom, to justice, and showing us the proper manners, cordiality, and also the way to get things done for the American people.

We all salute you, Senator JOHN WARNER.

(Applause, Members rising.)

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the hour is late. I humbly thank the dear Lord for the strength and wisdom He has given me, for the support and the friendship of—I calculated—the 241 Senators I have served with during this time, and for a family that has stood by me for these many years.

To the people of Virginia, I express thanks. And to whoever up there provides luck, I am the luckiest man you have ever met.

I yield the floor.

AMENDMENT NO. 4095

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Dorgan amendment No. 4095. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. LOTT).

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

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

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—48

Allard	Dole	Levin
Allen	Dorgan	Nelson (FL)
Bayh	Durbin	Nelson (NE)
Biden	Ensign	Obama
Bingaman	Feinstein	Reed
Bond	Grassley	Roberts
Boxer	Gregg	Santorum
Burr	Harkin	Sarbanes
Byrd	Hatch	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Coburn	Isakson	Stabenow
Cochran	Johnson	Sununu
Conrad	Kohl	Talent
Cornyn	Kyl	Thune
Dodd	Landrieu	Vitter

NAYS—49

Akaka	Domenici	Menendez
Alexander	Feingold	Mikulski
Baucus	Frist	Murkowski
Bennett	Graham	Murray
Brownback	Hagel	Pryor
Bunning	Inouye	Reid
Burns	Jeffords	Salazar
Cantwell	Kennedy	Smith
Carper	Kerry	Snowe
Chafee	Lautenberg	Specter
Coleman	Leahy	Stevens
Collins	Lieberman	Thomas
Craig	Lincoln	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	
DeWine	McConnell	

NOT VOTING—3

Enzi	Lott	Rockefeller

The amendment (No. 4095) was rejected.

Mr. FRIST. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Mr. President, I rise today to speak about my amendment to S. 2611, the Comprehensive Immigration Reform Act of 2006. This amendment will clarify the process for countries to enter the visa waiver program, which enables foreign nationals of member countries to travel to the United States for tourism or business for 90 days or less without obtaining a visa. In doing so, the program facilitates international travel and commerce. In addition, the visa waiver program eases the workload of consular officers who are already struggling to process a significant backlog of visa applications.

Since 1986, when it first began as a pilot program, the visa waiver program has been a success. Over 27 countries have become certified to participate in the program in the past 20 years, and our Nation has realized substantial diplomatic and economic rewards. Relationships with our allies have been

strengthened by the gesture of good will and the increase in tourism due to the visa waiver program has greatly benefitted the Nation's tourist economy.

Admission into the visa waiver program has never been an easy task. At this time, to qualify for the program, a country must do all of the following: it must offer reciprocal privileges to U.S. citizens; it must have had a nonimmigrant visa refusal rate of less than 3 percent for the previous year; it must certify that it has established a program to issue its citizens machine-readable passports that are tamper-resistant and incorporate a biometric identifier into their passports. In addition to these requirements, the Secretary of Homeland Security, in consultation with the Secretary of State, must also determine that the country's inclusion into the program will not compromise the law enforcement objectives or security of the United States.

As current law dictates, once all of these requirements have been met, the Attorney General may then designate the country a member of the visa waiver program. This means that even if a country has expended the time and effort to go through this rigorous process and has met our Government's stringent standards, its application could still be denied or, at best, indefinitely delayed by the Attorney General.

This amendment addresses two issues. First, it will revise the current law to reflect changes in the administration of the visa waiver program since 9/11 and codify those into law. While the Department of Justice continues to play a role in the designation of visa waiver program countries, the final certification of a visa waiver country is now made by the Secretary of the Department of Homeland Security, DHS, rather than the Attorney General. My amendment will ensure that the Secretary of DHS is specified as the final authority on this matter.

Second, this amendment will designate a nation a member of the visa waiver program as soon as all of the requirements have been met. In doing so, this amendment provides potential member countries with the assurance that their applications will not be held up by bureaucratic redtape or inefficiencies. It also advances our attempts to build positive relationships based on good faith with applicant countries. The visa waiver program is one means by which we can recognize our affinity with nations who share our principles and goals for a future of peace, justice, and freedom. Consequently, quicker inclusion into the visa waiver program once the requirements have been met is vital to fostering and maintaining close cultural and economic ties with friendly nations.

In addition to helping build strong diplomatic relations between nations, the visa waiver program has become key to the ongoing success of our tourism industry and business community. By eliminating the visa requirement, the program has facilitated international travel to our Nation for both business and for pleasure. In 2004, 15.9 million visitors entered the United States under the visa waiver program, constituting 58 percent of all overseas visitors.

The program encourages foreign visitors to plan their vacations in the United States, which can result in increased economic growth and tourism dollars for the United States. Over the years, the visa waiver program has played a vital role that has become critical to our Nation's tourist industry. According to the Office of Travel and Tourism Industries, all but 1 of the top 10 ten tourism-generating countries to the United States are visa waiver program nations. For states such as California, Florida, and my own home State of Hawaii which depend heavily on the tourist industry, the visa waiver program is integral to the strength of our economy. Clarifying the mechanism for countries to enter the program would strengthen the program and, in doing so, strengthen the economy on both a local and national level.

Given the considerable benefits that the visa waiver program affords the United States, it is imperative that nations who are interested in engaging in the lengthy and complicated process to become a visa waiver program feel confident that, if they strive to meet our strict security standards, they will be allowed to participate in the program. I urge my colleagues in the Senate to support this amendment which will update current legislation to more accurately reflect the post-9/11 administration of the program and perhaps, more important, confirm our commitment to those nations which would like to participate in the program that as soon as they have fulfilled our requirements, we will fulfill our promise.

Mr. LEAHY. Mr. President, the Gregg amendment No. 4054 would undermine this tradition by significantly reducing the number of visas that are available under the Diversity Visa Program. Diversity visas were created in 1990 to ensure that America would always welcome immigrants from all parts of the globe, in the tradition of our forefathers. Diversity visas are available through a lottery system to applicants from nations that are underrepresented in other immigration programs. In order to apply, an individual must be from a country that has sent less than 50,000 immigrants to the U.S. in the preceding 5 years.

This special visa program allows immigrants from nations in Africa and from a number of developing nations to have a chance to apply to emigrate to the U.S. In 2004, diversity immigrants were just 5 percent all admissions of legal permanent residents, but diversity visas were 33 percent of all legal permanent resident admissions from Africa. For this reason, the Congressional Black Caucus and the NAACP oppose the Gregg amendment. In addition to African nations like Ethiopia and Nigeria, immigrants from Ireland, Albania, Poland, and Ukraine have benefited from the program.

Diversity visa immigrants are not given a free pass to cross our borders and make a new life in American. Successful applicants must have at least a high school diploma and at least 2 years of work experience so that when they arrive in the U.S. they can contribute to the nation's economic health. They are not exempt from the tough security checks that all immigrants undergo. Applicants must complete consular processing overseas and pass Department of Homeland Security inspection. Fraud is prevented through fingerprinting and the use of digital photographs. Applications are screened and run through Homeland Security databases to ensure that an individual cannot game the system by filing multiple applications.

The Gregg amendment would take two-thirds of the 55,000 diversity visas that are available each year and redirect them to applicants with advanced degrees in science, math, and engineering. I support bringing more high-skilled immigrants to the U.S., but there are already a large number of such visa slots in the bill before us today. The bill raises the cap on H–1B visas from 65,000 per year to 115,000 per year. In addition, it adds an escalation clause so that in future years, if that new cap of 115,000 is met, the cap will be raised by 120 percent the following year. I think that this is a significant increase in high skilled worker visas. We can always revisit the issue in future years if the new levels do not provide an adequate number of visas for immigrants who bring science and technological skills to our Nation. We need not and should not undercut the Diversity Visa Program. The diversity visa program honors the hopes and aspirations of hard working and industrious individuals who want a chance to achieve the American dream.

Mr. OBAMA. Mr. President, I rise to discuss a small amendment that deals with a problem each one of us has heard about in our States—the extremely long backlog at the Bureau of Citizenship and Immigration Services.

One of the privileges of being a Senator is being able to help constituents. In my State offices, I get thousands of requests from Illinoisans trying to get their VA benefits or clear up a problem with their Social Security check or deal with any number of government bureaucracies. It is great when we can get involved and help folks cut through the redtape. We are helping make government work, one case at a time.

If your office is like mine, a large number of the cases involve immigration. And if your office is like mine, the most common complaint involves FBI name checks. I have only been in office 16 months, but in that time I have received 2,211 requests for assistance on immigration; 426 of these

cases, almost 1 in 5 deal with the FBI name check.

One step that legal immigrants have to take to stay in the country lawfully is going through a security check by the FBI. This is a standard procedure, and it is critically important to screen the folks to which we are granting citizenship and permanent residence. Unfortunately, the system is overwhelmed.

The FBI's National Name Check Program is asked to review 62,000 names a week—62,000 a week. In 2005, the FBI was asked to check 3.3 million names, a 20-percent jump from 2001. A great majority of these people are cleared automatically by computer, but for many, FBI agents have to comb through paper records spread across more than 265 sites across the country.

According to a November 2005 GAG report, the FBI background check is one of the top factors beyond the Bureau of Citizenship and Immigration Services' control that contributes to long wait times and an extended backlog. The report found that 11 percent of applications studied took longer than 3 months, and a significant portion of those took much longer. The Department of Homeland Security has taken many steps to try to speed up this process, but unfortunately there are just too many requests being sent to the FBI, and not enough analysts to deal with them.

Many of my constituents have reported waiting as long as 2 years to get cleared by the FBI. These are innocent people who have jumped through every legal hoop we have put in front of them. But because of a bureaucratic mess, they are put in legal limbo.

My amendment isn't overly ambitious. It just gives the FBI a small amount of resources to start tackling this problem. It authorizes $3.125 million a year for the next 5 years to allow FBI to hire additional staff and take other steps to improve the speed and accuracy of the background checks. It also requires the FBI to report back to Congress on the size of the backlog and the steps it is taking to reduce it.

This is a problem we can do something about. And at a time when we are trying to stem the flow of immigrants entering the country illegally, this is a problem we must address. We should not punish the folks who have been responsible and applied to enter the country legally. We should make the system as efficient as possible. I urge my colleagues to support this amendment.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I understand we are speaking in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

IMMIGRATION REFORM

Mr. TALENT. Mr. President, I rise to speak against the bill. I want to begin by saying that America has a proud history of immigration. When we say that America is a nation of immigrants, we mean that deep in our national consciousness is the image of America as a haven and a place of opportunity for people from all over the world.

Our policies have reflected that image. America has always had more open immigration policies than any other country. But those policies have been the result of choices the American people have made.

We are a nation of immigrants, but we are also a nation of laws. Like all sovereign nations, America has the right to determine who may enter our country and who may not. The American people have chosen to strike a legal balance between their desire to provide opportunities to new residents of diverse backgrounds and the economic reality that too much immigration too fast will depress the wages and diminish the hopes of millions of our own citizens.

I say with the utmost respect that the bill before us completely abandons that traditional balance. It provides an amnesty to those who, however understandable their motives, have chosen to trespass on our hospitality and violate our laws and does so under conditions that history has shown will increase rather than decrease illegal immigration in the future. It allows a vast new immigration for decades to come, with no regard whatsoever for the impact on the lives and hopes of our own citizens who have the first claim to the American dream, and it does little or nothing to repair the existing system of legal immigration which regularly confounds the expectations of millions around the world who claim a legal right to enter the United States.

Moreover, the Senate has regrettably and inexplicably rejected commonsense amendments which were designed to restore the balance Americans want and have the right to expect. For those reasons, I could not support voting to end debate on the bill, and I will not now support its final passage.

I should say at the outset that I do support the border security provisions in the bill. Border security is a national security issue rather than an immigration issue. For that reason, I recently sponsored bipartisan legislation, the Border Security and Modernization Act, in order to help secure America's border with additional manpower, new barriers, and high-tech surveillance equipment.

The bill I cosponsored authorizes new funds for technology to assist our Border Patrol, to construct roads, fences, and barriers along the border and to purchase air assets such as helicopters. In addition, the Border Security and Modernization Act will increase resources for border detention centers and enact stricter criminal penalties for human smuggling, falsifying work entry documents, and drug trafficking.

The immigration bill before the Senate contains many provisions similar to those in the bill which I cosponsored, and I am pleased the Senate approved an amendment which I also cosponsored to strengthen those provisions providing for the construction of at least 370 miles of triple-layered fence and 500 miles of vehicle barriers at strategic locations along the southwest border. But the good done in the immigration bill by these provisions could largely be accomplished by the President without new statutory authorization and is, in any case, far outweighed by the negatives in the bill.

I oppose the bill first because it grants a broad-based amnesty—the right to legal residence and even citizenship—to 10 to 12 million people who violated our laws. Permanent residence in the United States, not to mention American citizenship, is a valuable and important privilege.

Granting these privileges under these circumstances rewards and therefore encourages unlawful immigration. It demoralizes and punishes the millions of people around the world who have respected our rules and who are trying patiently to immigrate legally into the United States, and it makes a mockery of the policy that is supposed to form our immigration laws—the desire to balance our need for workers and vision of America as a place of opportunity against the importance of protecting jobs and wages at home.

If Congress grants an amnesty under these circumstances, what will be the argument against granting another amnesty 5, 10, or 20 years from now if millions more people, in response to the incentives created by this bill, manage to enter the United States illegally?

To those who say this will not happen, I say that it has already happened. Congress granted an amnesty 20 years ago for largely the same reasons under the same conditions and with the same assurances being offered in support of this bill before us today. Far from preventing illegal immigration, that amnesty has magnified the problem by four- or fivefold. What reason do we have to believe the same thing will not happen if we pass this bill, especially since the amnesty procedure in this bill is certain and takes effect immediately, while the border security provisions may not work at all and will, in any event, take years to implement? I suspect the pressure on our borders is increasing even now simply because the Senate is seriously debating an amnesty.

I also oppose the bill because it authorizes a vast and unvalidated increase in immigration. The bill allows 70 to 90 million immigrants to enter the country over the next 20 years—not, by and large, scientists, doctors, or engineers, but people who will compete directly against Americans for

jobs in the hospitality industry or for craft work in construction or manufacturing.

I begrudge no one the desire to come to the United States to make a better life for themselves. My grandparents did that, and so did my wife's mother. I certainly hope the economy will grow fast enough that we will need additional workers, but our first responsibility is to our own people. We cannot sustain the American dream if we do not provide opportunity for all Americans, including those who do not or cannot go to college. I can think of nothing more likely to cause conflict and division, and raise the ugly specter of ethnic prejudice than making millions of Americans compete against foreign workers, sometimes in economic recessions, for the jobs their families need to make ends meet.

Congress should be willing to increase legal immigration where our employers have proven needs that our own workers cannot meet. I believe such shortage exists today in certain parts of the economy, such as agriculture, and I would be willing to consider increases in the current limits in those areas. But that decision should be made on the basis of evidence, not speculation, and Congress should make it carefully and for short periods of time rather than guessing what the labor situation will be 10 or 20 years from now.

These decisions we are considering today matter. They affect the lives of millions of our people who rightly expect that we will look out for their interests, not make them feel guilty about their legitimate concerns for themselves and their loved ones. Moreover, the legal immigration provisions in the bill will cost our taxpayers $54 billion over the next 10 years. That fact is not disputed, even by the sponsors of the bill. Because of the deficit, our health care programs are under pressure. Congress is begrudging disaster relief to our farmers. The Nation's transportation infrastructure is underfunded, and some are proposing to reduce the defense budget or increase taxes. I simply cannot understand why, at a time like this, Congress would undertake an additional budgetary commitment of this magnitude to foreign workers our economy may not even need.

Finally, I oppose the bill because it does very little to fix the current legal immigration system. The great irony of this whole debate is that it has focused largely on the wrong problem. If we want to help the economy and provide justice to immigrants, we should concentrate first on making our current programs at least minimally workable.

As Senators are probably aware, there are significant backlogs in our current system due to the sheer volume of aliens eligible to legally immigrate to the United States. As of December 31, 2003, the U.S. Customs and Immigration Service, that is the USCIS, reported 5.3 million immigrant petitions pending. USCIS decreased the number of immigrant petitions by 24 percent by the end of fiscal year 2004—that is a pretty good job—but they still had 4.1 million petitions pending. Every new applicant who is not an immediate relative of a U.S. citizen must go to the end of lines that vary in length according to country, the prospective immigrant's relationship to their American sponsor, and profession.

According to the State Department, experienced laborers from India face a 5-year wait for a visa, while Filipino siblings of Americans wait more than 22 years.

In my office, we live with this problem with the current immigration system every day. I have five caseworkers who spend parts of each day in response to constituent requests, assisting those who actually claim a legal right to enter our country. These prospective immigrants have respected our laws. They and their Missouri sponsors spend large amounts of time and money trying to navigate the existing system. We have almost 200 pending cases in our office alone.

They include Missourians who want to adopt children from abroad, foreign doctors who want to work in rural areas where they are desperately needed, and world renowned researchers who want to bring their knowledge to the United States. These people have a right to immigrate under the current laws. Yet the bill does nothing for them. In fact, the bill makes their situation worse because it puts them at the back of the line. The bill inevitably means that the time and attention of the Immigration Service will be spent processing the applications of undocumented workers and administering a vague new guest worker program for 70 million to 90 million people, rather than on the cases of legal immigrants which, in some cases, have been pending for years.

What I have just said is the answer to those who claim this bill is necessary because it is the only practical solution to our current situation. Mr. President, anybody even marginally familiar with our current legal immigration system knows that it is in disarray. I honor the work of our border agents, but the reality is that our existing border security system is in every respect inadequate. I recognize that many diligent government workers are trying to process the claims of legal immigrants, but here again, they and the system are overwhelmed, even in trying to administer the current complicated visa system. The idea that our current immigration infrastructure can take on the real job of border security, process a multitiered amnesty program for 10 million to 12 million illegal aliens, and administer the claims of 70 million to 90 million new immigrants, in addition to its current responsibilities, is sheer fantasy. And to argue in favor of this bill on the grounds that it is a practical solution to anything shows how far from reality the proponents of this legislation have really traveled.

Mr. President, I suppose there are many in Missouri who support this bill, and I know many Senators have worked hard to come up with this legislation. But in the last month, I have received over 4,000 calls, e-mails, and letters urgently in opposition to this measure before us, and I think a word should be spoken on behalf of the concerns of those constituents. They are not paranoid because, in a world of terrorism, they want the border under control. They are not ungenerous because they worry about jobs for themselves and their children. And they are not less progressive than Washington opinionmakers because they believe in the sovereign right of a democratic people who decide who and who shouldn't become a resident of this country.

The Senate had a chance to pass a good bill, a bill that secured the border, that fixed the system of legal immigration, that developed the biometrics our border security and immigration agents need to enforce the law that stops the coyotes and the fly-by-night employers from circumventing the law and paying cash to unlawful workers. The Senate has fumbled that chance. I suppose this bill will pass, based on the votes we have had in the last week or so. My hope is that in conference with the House, the Senate will agree to a commonsense bill that I can support, one that respects the balance which the American people want, are waiting for, and have the right to expect.

Mr. President, I yield the floor.

CHANGE OF VOTE

Mr. SMITH. Mr. President, on rollcall vote 140, I was recorded as voting nay. My intention was to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CARPER. Mr. President, I want to follow up on the comments of my friend from Missouri as he leaves the Chamber and just to acknowledge and to second his comments. He said we are indebted to those who work so hard to try to piece together this compromise legislation, and I agree. We will attack a lot of difficult issues this year—we already have—and I think few of them are more difficult than the one that we have been working with this week, last week, last month, and we will probably be dealing with in the months to come to try to hammer out a final bill to send to the President for his consideration.

Let me just make a couple of observations. First of all, let me say I am

told that last week some 10,000 people came across our borders illegally. We understand that roughly 10,000 will come across our borders illegally this week. Roughly another 10,000 will enter this country illegally next week. Some people have suggested amnesty is the answer. I don't believe that it is.

We have heard it said on this floor today, and I will say it again tonight, simply providing amnesty sends the wrong signal to a lot of folks. It sends the wrong signal to people who live south of our country who, if they come in illegally, eventually we will let stay. It also sends the wrong signal, in my view, to people who are waiting—in some cases for years—to become legal residents or citizens of this country and who, even though they have been trying to play by the rules, we let other folks come in ahead of them who have not played by the rules. I think that is wrong.

What I think we need to do is to take an approach similar to that which we are taking here as we debate this legislation and amend this legislation and, I hope, improve on this legislation. We need a policy that is tough. We need an immigration policy that is smart. We need an immigration policy that is comprehensive.

I agree with many of my colleagues, including my friend from Missouri who has just spoken. I believe it begins with tougher borders, tougher border security. We have seen an increase in the number of Border Patrol who man our borders along the border of the United States and Mexico. I am told we have seen between 1995 and 2005 a doubling of the number of Border Patrol who patrol that area. Meanwhile, between 2001 and this year, we have seen a drop by almost a third of the folks who are apprehended coming into this country illegally. That makes no sense.

I think in terms of being on the border, we may need more Border Patrol. We are certainly voting for more Border Patrol, and I think that is the right step. But it is also important that the folks to whom we assign these responsibilities do a better job of tightening the borders and apprehending those who attempt to come through illegally.

The President proposed—and we have signed off on it—the deployment of National Guard troops along our border to work in conjunction with Border Patrol. I support that. As an old commander in chief of the Delaware National Guard for 8 years, I believe the National Guard can play a constructive role here.

One idea that I think makes sense is sort of a synergistic approach. We have a number of Air National Guard units around the country that have for their aircraft that they work with, they have pilotless drones. And I could see using several squadrons of those pilotless drones along our border to supplement the Border Patrol, to make them more effective, to put into the air these aircraft that can detect the movement of individuals, of vehicles moving toward our border. They are effective in the daytime and at night with infrared technology. I think that is a smart use of our National Guard and provides the kind of synergy that I think we ought to be looking for in deploying along our border for maybe a 12-month period.

I know some people are uncomfortable with the notion of building a fence along any portion of our border with Mexico. I have traveled to Israel and seen a fence being built throughout that country, the intention of which is to protect the Israelis from terrorists. And I know some people are offended by the construction of that fence. Personally, I am not. I am not offended by the notion of a fence along portions of our border with Mexico. I don't know that it makes sense, dollars and cents, to construct a fence along the entire 2,000-mile border of the United States and Mexico. But there may be stretches, several hundreds of miles, maybe 300, 400 miles where a fence is cost effective, or where a fence can complement and enhance the ability of our Border Patrol, the ability of our Guard units to provide the kind of balance and deterrence that we need.

With respect to technology, technology can be a great help to us. Unmanned aircraft is just one example. Also, simply better identification that would be awarded to people when they come here legally, whether it is as a guest worker or on a more permanent working basis, to provide them with identification that is, as best we can make it, tamper-proof.

I am reminded every time I go through the security checkpoints at airports, waiting to get through the checkpoints to get on a plane, I see people, usually crew members, who simply go to the front of the line. They go through quickly, and in many cases they have their own identification. Maybe they have biometrics. It may involve fingerprints, eyes, retinal scans. They can get through quickly.

I read recently, I think it was in Business Week, of that kind of identification that may become available commercially to folks who are willing to put out $100 or so, maybe less than that, in order to get identification that is pretty much tamper-proof, that would really say that whoever possesses this identification is indeed the person they profess to be. That is the kind of technology I think we need.

We need more detention beds. The idea that somebody shows up from Mexico, and we simply take them back to Mexico, that is fine. But if they happen to be from Guatemala or Honduras or Peru or Chile, we simply take them to a detention center. We have beds, we put them in that detention center to await an arraignment hearing. If we don't have beds, we say: Come back in a week or a month or two or three. We release them on their own recognizance, and we shouldn't be surprised that a lot of times they don't come back. I don't think we should expect them to come back.

We need more detention beds, and rather than simply turning people loose, knowing that they are unlikely to show up, we ought to be—we ought to be—smarter than that. Part of the solution is more detention beds.

Another aspect of a comprehensive law is to better enforce, to rigorously enforce the laws that we have on the books and to strengthen them with respect to employers who knowingly hire folks who are here illegally. If you look at the number of prosecutions over the last half dozen or so years, it is pitiful in terms of the employers we know are doing something illegal, that they are not doing the right work in making sure that the folks who are working for them are here lawfully. The employers aren't doing it, and, frankly, we haven't been doing much about it. We need to be tougher on that. This bill calls for that. But the best laws, the toughest penalties on the books are no better than the enforcement. In fact, we need much better enforcement.

The President has been a big advocate of a guest worker program. I think he was calling for 400,000 guest workers this year, next year, the year after that. I think we have significantly scaled back the scope of that guest worker program. I think it is acceptable that it be a small portion of a comprehensive bill, but not as the President earlier suggested as really the centerpiece.

Let me say a word or two about the 10 million or 12 million people who are here illegally, what to do with them. I know we have some who say just send them all back, line them up, put them on a bus or an airplane and send them back where they came from. I don't understand how practical that is. I understand the sentiment some feel in wanting to do that. What we are suggesting in this bill is we take an approach for people who have been here illegally, violated our laws, done so repeatedly, either committed a felony or multiple misdemeanors—that is it. They don't have a chance to stay here, no chance to be on a probationary period for 6 years or six decades and work their way toward citizenship. That is how it should be.

On the other hand, folks who have been here for 5 years or more, they worked, essentially they abided by the laws as a citizen here, they paid taxes—if those people are willing to serve an additional probationary period for 6 years or more, continue to work, continue to pay taxes, stay out of trouble with the law, to learn English, to pay a substantial fine—and frankly the size of that fine continues to grow; we grew it further tonight to be somewhere in excess of $3,000—folks who are willing to abide by the conditions of that kind of probation and do so religiously, year after year for half a dozen years or more, they have a chance to work their way toward citizenship.

Similarly, for those who have been here from 2 to 5 years, they would have a chance if they are willing to go back

and come into this country through a couple of dozen entry points along the border, to get valid identification so we know who they are and we know they are here, that they, too, after a period of time would have a chance to enter the same kind of 6-year probationary period, abide by the law, pay taxes, work, pay a fine, learn English—those kinds of things. If they do those things, they, too, would have a chance to work toward citizenship.

For people who have been here less than 2 years or people who violated our laws, violated our laws repeatedly, they are out of luck. They will go back to where they came from, and ultimately, if they have not been lawbreakers, they would have a chance to reapply. I don't think their chances of getting back here any time soon would be good.

The last thing, I say it is not in this bill and I think it is unfortunate that it is not—they talked about it in our caucus, and there has been some serious discussion about whether we ought to raise the minimum wage in our country. We raised the minimum wage when I was Governor. I think 20 or so States have done so, ahead of the Nation. It has been 20 years or more since we raised it. To the extent we actually pay people a better wage in this country, we encourage more Americans to do these jobs which allegedly Americans will not do, which only foreigners are willing to do. Unfortunately, that increase in the minimum wage is not going to be part of this bill. I think that is probably a mistake, but it is what it is.

In closing, at least with respect to immigration tonight, I again want to say it is not good when 10,000 people are coming across our borders last week, this week, next week. Amnesty is not the answer. I believe the answer is legislation that is tough, that is smart, that is comprehensive, that begins with a heavy focus on making our borders more secure, enforcing the laws that are supposed to be in effect with respect to employers who knowingly hire illegal aliens, trying to make sure the identification folks bring to this country to demonstrate to employers—that we better ensure it is tamperproof and we use technology to do that sort of thing.

There are a couple of outcomes that could come out of our work here. We are going to take up this bill tomorrow with some final amendments, and we will vote on whether to pass it and to go to conference with the House, which has a somewhat different bill, as we know. It is not a comprehensive bill but a bill not without some virtue.

I think we will have a chance to pass this bill tomorrow and go to conference. There are some people saying today in our own cloakroom there is no way we are ever going to get a compromise out of a conference with the House. We may pass this bill, but that will be pretty much the end of it. They may be right. I hope they are wrong.

Maybe among the outcomes here, maybe the worst would be to pass a bad bill and send the President a bad bill he might sign. That would be a mistake.

Almost as great a mistake as that would be, I believe, would be to do nothing and to leave here this year having not addressed our problems and to know that people are going to continue to stream into this country illegally. In most cases, they are just folks who want to come to work. In some cases, they are people who are criminals. Maybe in some cases, they are people who would come here as terrorists. That is just unacceptable.

I am, frankly, proud of the Senate and the work we have done. I think in a way the center has sort of come together and held. The center has held with respect to this bill and sort of rejecting extreme views on either side. I find that encouraging.

I don't have to say complimentary things about the President. I think in this case, in this instance, he has shown leadership and willingness to use some of that political capital he earned back in 2004 and I think to put it to pretty good use.

HONORING OUR ARMED FORCES

CORPORAL CORY PALMER

MARINE CORPORAL SEAN BARNEY

STEPHEN SNOWBERGER

Mr. CARPER. I would like to change gears, if I could. I would like to talk about a place in southern Delaware, a place called Seaford. Most people in this Chamber—my guess is most people around the world—have never heard about Seaford, DE, but almost everybody in this country and around the world has heard about a product called nylon. The first nylon plant in the world was built in Seaford, DE, by the DuPont Company, I think roughly 60 years or so ago. It is a plant that is still in operation, though run by a different firm today. There are still close to 1,000 people who work there. So Seaford is really known in our State, and to the extent they are known around the country, as the home of the first nylon plant ever built in the world.

Seaford is a small town. I don't know exactly how many people live there now, but it is less than 10,000 people—maybe 5,000 or so. There is a lot of pride there, about their heritage with DuPont and a number of other reasons as well. It is in the southwestern part of our State, Sussex County. A number of people in Seaford have gone on to serve in the Armed Forces of our country. This month, two of our young Seaford natives who had gone on to serve in Iraq have given their lives, have lost their lives. A young man named Cory Palmer, earlier in his life, maybe 10 years ago, came up to the Governor's house. I was hosting the Governors Fall Festival. We kicked off the Governors Fall Festival every year with a 5-kilometer race. I remember Cory and other members of his family running in that race with the rest of us.

Earlier this month, Cory was in a humvee in Fallujah, with his teammates and the humvee exploded. It hit an IED, a big one, and Cory and his team, I think now maybe all six of them, at least five, have lost their lives.

I had the privilege of visiting with Cory Palmer's parents about 12 days ago. As I sat there in the living room of that home with Cory's mom and dad, with his grandparents, siblings, I talked about another young man, a fellow who came to my attention—gosh, 6 years ago.

I got a phone call from Bill Bradley, Senator Bill Bradley, who was running for President. Bill Bradley called me to talk about a couple of guys who had worked in his Presidential campaign. He said: I am pulling out of the Presidential campaign. I have several people in my Presidential campaign whom you ought to talk to as you consider your run for the Senate.

One of the names he shared with me that day was that of Sean Barney. Sean Barney came to work for us and ended up being my research director in our campaign for 2001. One of the smartest people I have ever met, he was also one of the hardest working people I have ever met. Sean worked as a research director in our campaign. In the campaign, he came early, he worked late. He didn't just do it once in a while, he did it every day and every night. I think one of the reasons we were successful in that campaign was because of his hard work and sort of never-say-die attitude.

I got elected, came to the Senate, and I asked Sean if he would join us on my Senate staff and he said that he would be pleased to do that. He came to work in January of 2001, one of the first people we hired. He came on board as a senior legislative aide.

I will not soon forget the day he came into my office and said to me, after 9/11, that he felt the need to do something more to serve our country. He knew that I had served in the Navy. He said he had always respected the service that I had to my country during the Vietnam war and later on in the Cold War. He said he felt the need to do that kind of thing as well.

Sean was then in his mid- to late 20s. I said: Sean, you served your country already. You do a great job of serving Delaware, you serve your country, you do it right here in the Senate, and we are lucky that you do. Why don't you just stay here with us and continue the service you perform and perform so well?

Just like in the campaign where he came early, worked late, in the Senate he was just the same. He had a whole range of issues, from tax policy, budget policy, Social Security, Medicare—he didn't take the easy issues, he took the tough issues. He came early, worked late. He had a great sense of humor,

was a great person to boost the morale of the office, just a terrific team player, a guy we felt lucky to have on our team.

As it turned out, on the Friday that I was sitting in the living room there in Seaford, DE, talking with Cory Palmer's parents about the loss of his life shortly after he left Fallujah in a Medevac, I told them about Sean Barney who had gone in the Marine Corps. Sean Barney decided he was going to be a marine. Despite my encouragement to the contrary, to stay with us and serve here in the Senate, he elected to go on to active duty. Here is a guy, a college graduate. He could have gone to Quantico, gone through OCS. He didn't. He decided he was going to enlist and not take the easier route—not that there is an easy route in the Marine Corps, but he said he wanted to go to Paris Island basic training. He finished there with distinction, headed on to finish, after that, his advanced training. After having spent a little less than a year on active duty, he came back to Washington—with shorter hair but with a good spirit—and rejoined my staff. He picked up on the issues he worked on before, and he worked just as hard, came early, worked late, good humor, a great member of our team.

Late last year, he got word that he was going to be activated. I had really had a premonition that this was happening. When he had gone through his basic training and finished that and his unit was overseas—units were based up in New Jersey, the Marine unit—they were overseas, but he was not sent there to join them. They came back, and he continued to train with them in the United States. He had not been activated himself. He learned he was going to be activated late last year and be on active duty, I think this year.

He went through training here in this country and a month or two ago headed over to Iraq. He went to Fallujah. As I was sitting again in Seaford, with the Palmer family, trying to provide some comfort to them, about 12 days ago, I told them about Sean Barney.

Little did I know that just hours before I went to their home, Sean Barney was shot. He was shot in Fallujah, on the streets of Fallujah. He was shot by a sniper, and the bullet struck him in the neck, just missed his Adam's apple. It severed the carotid artery, apparently nipped the jugular vein, barely missed his spine. Sean ran about half a block, got behind some building or debris, and by a miracle, apparently a humvee that was not too far away was called in by one of Sean's buddies. I think it had a corpsman, Navy corpsman on board, maybe even a doc. They got to Sean and Sean was still conscious. The last thing he remembered was hearing the corpsman say: Let's get the tourniquet out and use it. Sean was thinking, with a wound in the neck, where are they going to put the tourniquet? That is Sean, a good sense of humor, maybe in this case gallows humor.

Within 12 minutes, they had Sean in the humvee and into the hospital in Fallujah. They applied first aid en route, got him to Fallujah. There was a doctor there, if I can find his name here, a fellow whose name is Captain Donovan. Captain Donovan, who just happened to be starting a 30-day rotation at Camp Fallujah Hospital, was able to stop the bleeding and put the carotid artery back together again. The fact that Sean is alive today—and he is alive today, he is in Bethesda tonight—is a miracle.

I know a lot of us prayed earnestly for Sean, for his life. He has been spared and returned to be here with his wife Daisy and his parents. He is going to be checking out of Bethesda later this week, we hope, and go on to Philadelphia where his wife is going through a residency in her medical training. She becomes a doctor, too.

That is a happy ending. While he has some problems with his shoulder in terms of ability to use that shoulder now, he is going to get great care and hopefully rehab and maybe someday will be able to regain his full capacity.

There is another young man from Seaford, though, subsequent to the time I visited with the Palmers, who we learned had been shot and killed in Ramadi.

Earlier today, a young man, Rick James, 20 years old, also a marine, was buried in Seaford. And 12 days ago, Cpl Cory Palmer was buried at Arlington National Cemetery.

Last night, I was back at Seaford visiting the family of Marine Cpl Rick James, trying to comfort them in the funeral home as they got ready to say goodbye to their son, their grandson, their brother, their cousin, and their friend.

It has been a tough month in Delaware. We are a little State. We have had a number of people—maybe a dozen or so—who have lost their lives prior to this month in Iraq and Afghanistan. We lost three last month, which is tough for a little place.

There is another young man whose family doesn't live in Delaware but he grew up in our State, Steven Snowberger, who went to William Penn High School. I was at his high school in New Castle, DE, last week. At the age of 16, he moved on to complete his education elsewhere and to join the Army. He died at the age of 18, about a week ago. We just said goodbye to Steven this past week.

Those are three causes for great sorrow in our State, the loss of three young men, the oldest being 22 years of age.

I must say that I am encouraged to talk to the families and see how proud they are of their young men, their sons, their grandsons, their brothers, their cousins, their friends.

I have never seen a town that small, Seaford—or, frankly, a larger town—sort of welling up, really with pride, as they have these last couple of weeks, supporting those who have lost their lives and their families as well. It was extraordinary.

One of our colleagues, JOHN MCCAIN, was invited to go to Delaware last weekend by my colleague, MIKE CASTLE, to do a campaign event over on the coast. Senator MCCAIN was good enough, at the urging of Congressman CASTLE, to swing through Seaford, DE, and stop to make an appearance there and say wonderful, supportive words about our young men—heroes. All of us in Delaware are grateful to him for doing that.

While we mourn the loss of our marines and our Army PFC, we are just grateful that later this week another marine part of our family in the Senate, Sean Barney, is alive. I think he is going to be OK. I do not know that he will ever come back and work with us in the Senate family. He has been accepted to law school at Stanford, and my guess is he will probably—when he recovers enough and is ready to go onto the next part of his life and separate from the Marines—head for points west and pick up his life and his wife.

To those in Seaford, and the Snowberger family down in North Carolina today who lost their son, Steven, our hearts go out to you. To the extent we can be helpful, you know we are there for you, like the whole State is.

To our friend, Sean, we are just glad that miracles still happen and that one of them involved you.

I yield the floor.

FORMER SENATOR LLOYD BENTSEN

Mr. STEVENS. Mr. President, Catherine and I were deeply saddened to learn of Lloyd's passing. Lloyd and his wife Beryl Ann or as she is known to friends, B.A. were part of our Senate family for 22 years. They were good friends to Catherine and me, and they were quite a couple. Their sense of humor could lighten any situation. I recall B.A. once read an erroneous news report that Lloyd was worth $70 million. She responded, ''Where is it?''

B.A. was a great companion and partner for Lloyd in all things, and our hearts go out to her and their three children and eight grandchildren.

Lloyd was Texan through and through. He used to tell stories about growing up on his father's ranch with the sign at the end of the road that read: ''To heck with the dog, beware of the owner.'' You would think someone raised up the road from a sign like that would have a temper, but nothing could have been further from the truth. Lloyd was gracious, composed, polished, and pressed. He was a true gentleman. ''Gravitas,'' he liked to say, ''is gray hair and a pressed suit.''

Lloyd was also a patriot. As fellow World War II veterans, we were comrades in the deepest sense of the word, and I admired him greatly. He was an accomplished legislator and statesman. He was also a dear friend.

Those in Alaska will never forget his support of our State. In 1981, Lloyd came to the floor and spoke in favor of a waiver that would enable the construction of the Alaska natural gas pipeline. Congress recently approved the financial incentives needed to begin this project—and we owe a great debt to Lloyd for always making sure those in the Senate never forgot how important the Alaska gas pipeline is to our country's energy independence.

Since Lloyd greatly respected the late House Speaker Sam Rayburn, I will close with one of Sam's sayings:

''You cannot be a leader, and ask other people to follow you, unless you know how to follow, too.''

Mr. President, those are words to live by, and no one understood them better than Lloyd.

Mr. OBAMA. Mr. President, I rise today to salute Lloyd Bentsen, a dearly departed former Member of this body. Senator Bentsen died yesterday at the age of 85, and he leaves behind a legacy of fiscal responsibility, steadfast service, and unwavering statesmanship.

Senator Bentsen was born in Mission, TX, in 1921, a descendant of Danish immigrants. From a young age, he excelled in nearly all his endeavors: he was an Eagle Scout, a distinguished graduate of the University of Texas Law School, and a fighter pilot, flying B–24 combat missions during World War II. At the young age of 23, Senator Bentsen was promoted to the rank of major, a post that gave him command of over 600 men. For his valiant service during the war, the Army Air Corps, now the Air Force, awarded him the Distinguished Flying Cross, one of the military's highest honors.

Senator Bentsen went on to serve the people of Texas as Hidalgo county judge, U.S. Congressman, and, beginning in 1970, as U.S. Senator. He was overwhelmingly reelected to this body three times, in 1976, 1982, and 1988.

As a Senator, Lloyd Bentsen was a champion of sound national economic policy and fiscal responsibility. He served as chairman of the Joint Economic Committee and the Committee on Finance, and balanced his keen eye on progressive causes such as women's rights with a dogged determination to cut taxes and support our Nation's businesses. As his contemporaries will no doubt attest, Senator Bentsen's political acumen was unmatched, and the coalitions he built crossed party, ideological, and even international boundaries.

Bentsen resigned his seat in the Senate in 1993 to serve as the 69th Secretary of the Treasury under President Bill Clinton. He helped President Clinton set the course for what would be our country's strongest fiscal climate in recent memory. As Treasury Secretary, Bentsen was known to be a firm and sound counselor on economic policy; the Houston Chronicle reports that an autographed picture from President Clinton was inscribed: ''To my friend Lloyd Bentsen, who makes me study things until I get it right.'' President Clinton went on to award Bentsen the Presidential Medal of Freedom in 1999.

Throughout his career, Lloyd Bentsen set a standard for no-nonsense service, responsible business practice, and judicious public policy. I honor his good work today, and the memory of a life lived strong and full.

Mr. BIDEN. Mr. President, I had the honor of serving with Lloyd Bentsen for 20 years, and I respected him as a Senator's Senator. He had a style about him. He was this really classy Texas gentleman who, when he walked into this Chamber or into a hearing room, you could just feel his presence and his desire to work something out.

I admired him because he used the power of that office to help millions and millions of Americans, especially the people he felt needed it most, the very young and very old among us.

Everyone in America who has an IRA and is saving for retirement can thank Lloyd Bentsen. Every American worker whose pensions are protected, is because of Lloyd Bentsen. He improved access to health care for needy women and children—not with some massive sweeping bill that would never have passed Congress but, incrementally, every year, giving a new benefit so more and more people were helped.

When he went to Treasury, he was the architect of President Clinton's economic plan that eventually balanced the budget and created millions of jobs and brought credibility and leadership back to this country with other industrialized nations.

I express my sympathy to his family, and especially his wonderful wife B.A. He liked to call her his best asset, but she was an asset to all of us. Our prayers are with her.

TRIBUTE TO JUDGE DANNY J. BOGGS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who is one of the finest legal scholars of his generation. Danny J. Boggs, Chief Judge of the U.S. Court of Appeals for the Sixth Circuit, has served on the bench for 20 years, and over the course of his stellar career he has made many friends and impressed all who know him—this Senator included.

Judge Boggs is renowned for having an engaging, active mind, with which he tackles not only the law but a host of other subjects. Well-read in history, geography, literature, mathematics, and political science, he is a true Renaissance man. And not only does he voraciously ingest knowledge, he loves to share it with others.

Ask any clerk or former clerk of Judge Boggs, and he or she will tell you: They are liable to be asked a question any time, on anything. One of his former clerks, who now works in my Washington office, recalls a time when Judge Boggs called in to the office while on a business trip to find out the population of Montana not the present-day State but the Montana territory.

Judge Boggs delights in hiring clerks of any and all political persuasions, as long as they have a keen mind and are always ready for debate. Of course, these poor clerks know that Judge Boggs will almost always win. But his interest is not winning or losing. It is in ensuring that the final product—the legal brief—is as rigorous as it can be.

Judge Boggs is infamous for giving a trivia quiz to his clerkship applicants although perhaps ''trivia'' is not the right word for it. He prefers the term ''general knowledge'' test. But I don't think there is anything general about the scope of Judge Boggs's knowledge. Just listen to one question from a recent test of his: ''If the moon were made of green cheese, and if green cheese floats in water, what is the most that the moon could weigh (within a factor of 10)?''

Believe it or not, most of Judge Boggs's clerks actually enjoy running this intellectual gauntlet—so much so that three of them appeared as contestants on the popular television game show ''Who Wants to Be a Millionaire.'' Two of them picked Judge Boggs to be their ''phone a friend'' lifeline a superior mind to turn to for a particularly difficult question. Judge Boggs himself has tried to be a contestant on the show, so far without success, but I suspect his true calling may be to work for the show and write the questions.

Born in Havana, Cuba, Judge Boggs grew up in Bowling Green, KY, and earned his bachelor's degree from Harvard University in 1965. He earned his law degree in 1968 at the University of Chicago while being elected to Order of the Coif. After graduating, Judge Boggs taught at the University of Chicago Law School the following academic year—quite an accomplishment for a newly minted lawyer.

Judge Boggs answered the call of public service in several capacities before he attained his current post. After a few positions in Kentucky State government, he ventured to Washington, where he served as Assistant to the Solicitor General, Assistant to the Chairman of the Federal Power Commission, and Deputy Minority Counsel for the Senate Energy Committee. Judge Boggs also worked in private practice, in the White House as a Special Assistant to the President, and from 1983 to 1986 as Deputy Secretary of the Department of Energy.

President Ronald Reagan appointed Judge Boggs to his current position in 1986, and on October 1, 2003, Judge Boggs became the Chief Judge of the Sixth Circuit. Many times, his opinions have been upheld unanimously by the Supreme Court, both when he is written in the majority and in dissent.

He has taught American jurisprudence in the Soviet Union, the Commonwealth of Independent States, and Russia. Chief Justice of the United States William H. Rehnquist appointed Judge Boggs to several important posts

in the Judicial Conference of the United States, and Judge Boggs also served as chair of the Appellate Judges Conference of the American Bar Association from 2001 to 2002.

Judge Boggs entire career has been marked by energy, accomplishment, and scholarly brilliance. His fertile, polymath's mind has unlocked a love of learning in countless others. And his 20 years of distinguished service on the bench of the U.S. Court of Appeals for the Sixth Circuit has inspired us all. Mr. President, today I ask my colleagues to join me in commending Judge Danny J. Boggs for his 20 years on the bench and for his continued service to the law and his country.

INCLINE HIGH SCHOOL

Mr. REID. Mr. President, from April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution, an educational program developed to educate young people about the U.S. Constitution and Bill of Rights. The We the People Program is administered by the Center for Civic Education and funded by the U.S. Department of Education through an act of Congress.

During the 3-day competition, students from all 50 States demonstrated their knowledge and understanding of constitutional principles. The students testified before a panel of judges in a congressional hearing simulation focusing on constitutional topics. I am pleased to announce that Incline High School from Incline Village, NV, received the Western Region Award.

I had the chance to meet these bright young students from Incline High while they were here in Washington, DC. Of the many groups from Nevada that I have met with, I have rarely been asked such intelligent and thoughtful questions. I was impressed with their interest and knowledge of complex constitutional issues. These young students are an example of the future of America, and they should be commended for their hard work.

Mr. President, the names of these outstanding students from Incline High School are as follows: Kent Bergantz, Roxanne Casselberry, Dan Driver, Julie Gregory, Amy Hanna, Andrew Herr, Annie Horton, Alisa Johansson, Taylor Lane, Cara Langsfeld, Stephen McKay, Scott Nikkel, Courtney Pennacchio, Mia Perhacs, Tony Ring, Cara Sheehan, Ryan Spizman, Lara St. John, Christin Thompson, Shea Wickland, Alethia Williams, and Carly Wood.

I would also like to commend the teacher of the class, Milt Hyams, as well as the State coordinator, Marcia Stribling, and the district coordinators, Daniel Wong and Shane Piccinini, who have donated their time and energy to prepare these students for the national finals competition. Without the hard work and dedication of these individuals, our students would have missed an amazing learning experience.

Mr. President and my colleagues in the Senate, please join me in congratulating these young constitutional experts for their outstanding achievement.

NATO AND IRAN

Mr. WARNER. Mr. President, I rise today to share with our colleagues remarks I have made recently at the Atlantic Council, the Council on Foreign Relations, and other forums regarding a role NATO should consider by joining others seeking to achieve a diplomatic resolution of the potential nuclear weapons threat posed by Iran.

I have long been, and remain to this day, a steadfast supporter of NATO. No alliance, since World War II, has achieved a more successful, steadfast record of achieving peace.

I applaud NATO for embracing the concept of ''out of area'' missions. In Iraq, despite continuing violence, a new unified government is emerging. Even with the differences of opinion among NATO nations related to Iraq, NATO did step forward to participate in the important mission of training Iraqi security forces.

There is no better example of NATO undertaking important ''out of area'' missions than the leadership NATO is providing in the International Security Assistance Force, ISAF, in Afghanistan.

Recently I was in Afghanistan and saw firsthand how ISAF is expanding its reach to provide security and stability throughout Afghanistan. ISAF forces are accepting risks in the face of a rising number of attacks, while the new Government forges ahead putting down roots of democracy so that Afghanistan can take its place among the free nations of the world.

The principal focus of my remarks today is on how NATO might respond to the greatest threat to regional and global stability that we face today: Iran.

I had the privilege this week to join Senator LUGAR and other Members in a private meeting with Dr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, IAEA. Dr. ElBaradei generously shared his insights on the situation with Iran, and how he continues to try to fulfill the responsibilities of his organization. I greatly respect his views.

I agree that when faced with a fork in the road between negotiation and confrontation, the world has rightly chosen, for the present, the path of negotiation. There is time—but not unlimited—to pursue a peaceful resolution to persuade Iran not to pursue steps leading to the development and acquisition of nuclear weapons.

Underway at this very moment are negotiations—the United States together with France, Great Britain, Germany, and other members of the EU, are doing everything to persuade Iran not to develop nuclear weapons.

The U.N. Security Council and the IAEA are also playing important roles in these diplomatic efforts.

Currently, Iran boasts about its inventory of missiles which can range throughout the Middle East and reach Europe. If Iran defies diplomacy and develops nuclear weapons, the threat will increase exponentially.

Free nations are and must face this reality now. As the Israeli Prime Minister Ehud Olmert warned in his address to a joint session of Congress this morning:

> A nuclear-armed Iran is an intolerable threat to the peace and security of the world. It cannot be permitted to materialize.

I support the principle of preserving as many options as possible in diplomacy.

One of those options is to engage in bilateral talks between the United States and Iran, and/or between one or more other nations that share our objectives and Iran.

Just this morning, the international press is reporting that the Iranian leadership is making serious overtures to the United States to initiate a bilateral dialogue. Dr. ElBaradei confirmed in our meeting with him that Iran is open to such a dialogue. The United States should keep this option on the table, and consider when it is timely to explore procedures for bilateral talks.

Iran needs to understand that the free nations of the world are serious. Iran can go ahead with its civil nuclear program, under the inspection regime of the IAEA, insofar as it relates to Iran's legitimate energy needs, but we will not, as a consortium of free nations, permit Iran to acquire a nuclear weapons capability.

Another option is deterrence. Let's reflect on the worst case scenario: If diplomacy did not succeed, at some point in time, and there is confirmation that Iran is defiantly going forward with a nuclear weapons program, what is the response of the team of nations conducting the diplomacy?

We should reflect on the lessons of the Cold War, when deterrence succeeded. We should consider erecting a ''ring of deterrence'' that would surround Iran and deter the use of actual force, as was done so successfully during the Cold War.

Initially, such a plan could be limited to a stand-off naval force operating in international waters, and a stand-off air capability in international airspace.

Has any organization had a better record for planning and effecting a policy of deterrence than NATO?

I call upon the North Atlantic Council of nations to discuss the option of deterrence and hopefully to initiate a study of what is a logical sequence of actions to show support to the path of negotiation.

Such a step forward would give NATO a place at the international table as a partner in the diplomatic efforts being pursued by the IAEA, the

U.N. Security Council, and a consortium of nations who are deeply concerned such as Great Britain, France, Germany and the United States.

Such an initiative would signal the seriousness with which the 26 NATO nations view the concerns of the international community, and would lend important support to the combined diplomatic efforts underway.

I bring to your attention two quotes which, though not directly in context, demonstrate general thinking on why NATO should begin to prepare to address the potential threats from Iran.

In a speech on November 3, 2005, the Secretary General of NATO, Jaap de Hoop Scheffer, said:

Either we tackle challenges to our security when and where they are, or they'll end up on our doorstep.

He is absolutely right.

On February 10th of this year, 2006, the Secretary General said at a press conference:

Iran is of course a very, very, relevant subject for NATO. That Iran can be discussed in NATO, yes.

With a sense of fairness, I point out that in his remarks of February 10, 2006, the Secretary General also said the following:

We follow the EU–3 in their negotiations with Iran, together with America, we follow Russia, the IAEA, and we have no intention of playing the first violin, or playing any direct or active role in this dispute.

I say, most respectfully, to the Secretary General: Mr. Secretary, the problem of Iran could be on your doorstep very soon, if it is not already there. The time to join the roundtable of diplomacy is now.

As we in the Congress, and others, continue our work and support of NATO, we have got to prepare for the many challenges in this troubled world. We may not know today what some of those challenges may be, but we must keep NATO strong, viable, and forward thinking.

NATO's most valued asset is the respect, confidence, and, above all, the trust people have for its past record of success and future potential.

We sleep better at night knowing that NATO is standing watch.

I say to all who support NATO, we cannot allow ourselves to lapse into an exercise of nostalgia, basking in the greatness of this organization, greatness achieved by our predecessor trustees and respected leaders of NATO, down through the past half century.

In my most recent consultation with General Jones, I recorded a few notes, which I share with you today. We agreed on the following: ''NATO has been and must remain a great alliance. Great alliances do great things. It is possible that NATO's most important days and most important missions lie ahead in the future.''

RECOGNIZING THE INTERNATIONAL EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Ms. SNOWE. Mr. President, I rise in support of this resolution which was drafted by my esteemed colleague from Maine, Senator SUSAN COLLINS, and thank my other colleagues who have cosponsored this resolution. This resolution was previously introduced in the 107th Congress, passed the Senate, but, unfortunately, time ran out in the House of Representatives to be passed. This resolution reflects the resolution introduced in the 107th Congress and is supported by the emergency managers from the participating States.

Disasters know no boundaries. In January 1998, the worst ice storm in our region's history demolished power lines from Quebec, through upstate New York, across Vermont, New Hampshire and Maine, and into the Maritimes. As many as 4 million people were without electricity, some 700,000 for as long as 3 weeks, and damage topped $6 billion. And in August 2003, a blackout left millions of American and Canadian citizens and businesses again without electrical power. These events, and many of the more than 100 federally declared disasters in the Northeast in this past quarter century, have necessitated State and provincial emergency management organizations to request out-of-jurisdiction mutual assistance to deal with the emergency.

In response to the ice storm, in June 1998, the New England Governors Conference and Eastern Canadian Premiers signed and later adopted, in July 2000, the International Emergency Management Assistance Compact, more commonly referred to as the compact. The compact is an arrangement of necessity in providing mutual assistance amongst jurisdictions for managing any type of emergency, or disaster, whether arising from natural, technological, or man-made causes. The State of Maine, along with New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, has entered into such a compact with the provinces of our good Canadian neighbor of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland.

This compact arrangement provides the form and structure to the international mutual aid and addresses such issues as liability, payment, et cetera, in advance, before an emergency occurs, allowing for expedited deployment of resources and personnel at the time of the emergency. One crucial lesson learned of Hurricane Katrina is that in the aftermath of such a crisis, emergency responders need to focus on recovery, and not bureaucratic processes and redtape. Having this compact in place enables our emergency responders to focus on their mission of response and to avoid cross-jurisdictional obstacles.

Enhancing an environment of joint communication, coordination and cooperation is crucial for a more secure region and an effective emergency response capability, and an International Emergency Management Group meets regularly to do just this, by implementing the compact and working closely together to develop plans, train and exercise for disasters and emergencies. This compact concept serves the best interests of our citizens of the United States, and of Canada, our good northern neighbor, as well.

In summary, the best way to handle an emergency is to forward plan and to take as many actions of readiness and preparedness as possible, in advance, and as feasible. Our readiness and preparedness capabilities are indeed most enhanced when an obstacle-free platform is created for our emergency responders. This compact arrangement does just that, particularly addressing international and cross-jurisdictional issues. It is for this reason, I urge my fellow colleagues to, again, support this resolution.

LIBYA AND PAN AM BOMBING

Mr. DEWINE. Mr. President, I would like to address the administration's decision to restore full diplomatic relations with Libya and remove it from the list of state sponsors of terrorism. I agree with the President that Libya has made progress in renouncing and fighting terrorism, but we must not overlook that the families of the victims of the Pan Am bombing continue to wait for the remaining compensation from Libya that was agreed to in 2003. We also must not overlook the victims and their families affected by the La Belle bombing in Germany in 1996, when two American servicemembers were killed and many others were severely injured.

I urge the administration to work toward a solution that ensures that the victims' families are fully compensated. At the same time, the Government of Libya should know that as we review this diplomatic proposal over the next several weeks, we will be looking for Libya to continue their forward progress in rejoining the international community. We urge them to make good on their promises to the families who have suffered so much.

TRIBUTE TO LAWRENCE WILLCOX

Mr. KYL. Mr. President, I rise today to offer a tribute to Lawrence Willcox, who has served me admirably for the past 3½ years as staff director of the Senate Republican Policy Committee and, before that, as legislative director and tax counsel in my personal office. Lawrence has made the decision to return to the private sector and pursue a career in tax law.

Lawrence joined my personal staff in 2001, where he served me ably, especially in the tax policy arena. When I was elected chairman of the Policy Committee at the end of 2002, I asked Lawrence to become the staff director. Lawrence has come to be a trusted adviser, and I have appreciated his good work. He promptly and dutifully carried out every task that I charged him with, and he led the staff members of the Republican Policy Committee to

achieve a level of excellence that I believe has been of value to Senators and their staff.

During Lawrence's time as staff director, we have produced more than 200 policy papers, and dozens of legislative notices. In each case, our goal was a first-rate product—one that would be thorough, accurate, and reliable—that would serve Senators, their staffers, the press, and the public. I commend him for all of his work and his successes in that regard.

Additionally, Lawrence has served as my agent and adviser on Senate leadership matters. He has attended leadership meetings with me and given me sound counsel. He has also managed and attended the Policy Committee's weekly luncheons.

I should mention that it was Lawrence who instituted the Policy Committee's practice of issuing detailed amendment descriptions in anticipation of every rollcall vote. The reception from this new service has been very positive: It has made the jobs of legislative directors and legislative aides vastly easier in preparing Senators for votes. That is just one example of innovations Lawrence has overseen.

I think it would be fair to suggest that many of my colleagues here today and others in the Senate reading these words in future days would want to join me in thanking him for a job well done. We would not be able to do the work we do were it not for staff members of the caliber of Lawrence Willcox.

Before I close, I note that Lawrence has been in public service for nearly all his working life. In addition to his more than 8 years of experience on Capitol Hill, including 3 years as a staffer in the House of Representatives, he served 5 years active duty as a naval officer, and he has also worked in both the judicial and executive branches, serving in various capacities, including as a law clerk on the U.S. Court of Federal Claims and as a trial attorney in the Department of Justice's Tax Division. Lawrence holds a bachelor's degree from the University of Michigan, a law degree from American University, and a master's degree in tax law, LL.M., from New York University.

Lawrence is a person who is always growing from his experiences, putting his newfound knowledge to work in newer and better ways. So, while I wish him well, I am also confident that he will do well, and I hope to retain his friendship in the years ahead. Thank you, Lawrence.

TRIBUTE TO COAST GUARD AWARD RECIPIENTS

Mr. SESSIONS. Mr. President, I rise today to recognize and pay tribute to the brave men and women of the United States Coast Guard who came to the rescue of the citizens of the Gulf Coast in the wake of Hurricane Katrina. On May 12, 2006, in one of the largest awards ceremonies in Coast Guard history, 95 Coast Guard members received medals for their heroic efforts while rescuing thousands of victims stranded along the central Gulf Coast. The awards ceremony highlighted the Aviation Training Center near the Mobile Regional Airport. The center served as the staging base for more than 50 helicopters conducting rescue operations along the central Gulf Coast and—along with Sector Mobile personnel—is credited with saving more than 4,700 lives in the two weeks after Katrina.

The highest of the four awards presented—the Legion of Merit—went to Capt. David Callahan, commanding officer of the Coast Guard Aviation Training Center, and Capt. James Bjostad, commanding officer of Coast Guard Sector Mobile. They received the award for their outstanding leadership in the aftermath of Katrina.

The Distinguished Flying Cross—the second highest award presented at the ceremony—went to 19 local Coast Guard personnel Commander Michael McCraw, Commander Patrick Gorman, Commander James O'Keefe, Lieutenant Commander Brian Hudson, Lieutenant Commander Jacob Brown, Lieutenant Commander William Sasser, Lieutenant Commander Mark Vislay, Lieutenant Commander Scott Langum, Lieutenant Gregory Houghton, Senior Chief Aviation Survival Technician Christopher Walker, Chief Aviation Survival Technician Martin Nelson, First Class Aviation Survival Technician Timothy Fortney, First Class Aviation Survival Technician John Williams, First Class Aviation Survival Technician Jason Shepard, Second Class Aviation Survival Technician Brian Doolittle, Second Class Aviation Survival Technician Joel Sayers, Third Class Aviation Survival Technician Mitchell Latta, Third Class Aviation Survival Technician William Lawson and Third Class Aviation Survival Technician Jason Leahr.

The Meritorious Service Medal—the third highest award presented—was pinned on 13 Coast Guard members Captain Edwin Stanton, Commander Barry Compagnoni, Commander Mark Hemann, Commander Jason Fosdick, Commander Bradley Bean, Commander Melvin Bouboulis, Commander Thomas Tardibuono, Commander Ronald Cantin, Lieutenant Commander James Elliot, Chief Warrant Officer Four Thomas Milligan, Chief Warrant Officer Three Kenneth Hardenbrook, Senior Chief Aviation Maintenance Technician Robert Gagliano and Chief Aviation Maintenance Technician Scott Corner.

The Air Medal was awarded to 61 Coast Guard members Lieutenant Commander Christopher Chase, Lieutenant Commander Christopher Conley, Lieutenant Commander Robert DeCoopman, Lieutenant Commander David Edwards, Lieutenant Commander Christian Ferguson, Lieutenant Commander Eric Gleason, Lieutenant Commander Mark Hiigel, Lieutenant Commander Thomas McCormick, Lieutenant Commander Edward Sandlin, Lieutenant Commander Patrick Shaw, Lieutenant Commander Thomas Swanberg, Lieutenant Thomas Bailey, Lieutenant Karen Cagle, Lieutenant Steven Cerveny, Lieutenant Cornelius Cummings, Lieutenant William Dronen, Lieutenant John Druelle, Lieutenant Thomas English, Lieutenant Todd Fisher, Lieutenant Mark Graboski, Lieutenant Wendy Hart, Lieutenant Brian Hopkins, Lieutenant Joseph Klatt, Lieutenant Richard Nameniuk, Lieutenant Stephen Priebe, Lieutenant Michael Rasch, Lieutenant William Strickland, Lieutenant Keith Trepanier, Lieutenant Charles Webb, Lieutenant Martin Simpson, Lieutenant Donnis Waters, Senior Chief Aviation Maintenance Technician John Burns, Senior Chief Aviation Survival Technician Jeffery Tunks, First Class Avionics Electrical Technician Ronald Jester, First Class Avionics Electrical Technician Jon Schroeder, First Class Aviation Maintenance Technician Anthony Johnson, First Class Aviation Survival Technician James Dix, First Class Aviation Survival Technician Blain Elkins, First Class Aviation Survival Technician Jeffrey Galbraith, First Class Aviation Survival Technician Dustin Skarra, Second Class Aviation Survival Technician Jason Edmiston, Second Class Avionics Electrical Technician Benjamin Berman, Second Class Avionics Electrical Technician Charles Lowmaster, Second Class Avionics Electrical Technician Stephanie Sera, Second Class Aviation Maintenance Technician Robert Bradley, Second Class Aviation Maintenance Technician Stevenjohn Conrad, Second Class Aviation Maintenance Technician Stephen Fruzan, Second Class Aviation Maintenance Technician Gabriel Grise, Second Class Aviation Maintenance Technician Michael Lewis, Second Class Aviation Maintenance Technician Karl Williams, Second Class Aviation Maintenance Technician Daniel Hoffmeier, Second Class Aviation Maintenance Technician David Villarreal, Second Class Aviation Survival Technician William Johnson, Second Class Aviation Survival Technician James Farmer, Third Class Aviation Maintenance Technician Richard Amelio, Third Class Aviation Maintenance Technician Joshua Nichols, Third Class Aviation Maintenance Technician Mathew Quiggle, Third Class Aviation Survival Technician Keric Allen, Third Class Aviation Survival Technician Sara Faulkner, Third Class Aviation Survival Technician Jeff Lowe, Third Class Aviation Survival Technician Jonathan Ptak and Third Class Aviation Survival Technician Aaron Raines.

Mr. President, these awards are a small token of the appreciation and thanks that are owed to the dedication to duty and self sacrifice these helicopter crews, technicians and support personnel displayed. The impact of the brave and tireless efforts of these 95 personnel directly impacted the rescue

of 50 times their number. These individuals deserve our gratitude, our praise and most importantly our continued support as they conduct on a daily basis, vital rescue and relief missions for the citizens of the Gulf Coast. Thank you for a job well done and for continuing to support our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO SANDY BUCHANAN

• Mr. BUNNING. Mr. President, today I pay tribute to Sandy Buchanan of Cold Spring, KY, for her 41 years of service and devotion to the Disabled American Veterans. Her steadfast support reinforces her organization's honorable goal of building better lives for America's disabled veterans and their families.

The Disabled American Veterans is a service organization for the brave men and women who have become sick and disabled as a result of wartime military service. Founded in 1920, this organization serves veterans who have fought in combat since World War I.

Ms. Buchanan began work as a keypunch operator for the Disabled American Veterans on October 12, 1964. In her four decades of service, she has helped the organization grow from supporting 178,864 members to representing 1.3 million members. Over the years, she has risen to the position of executive assistant at the National Headquarters in Cold Spring, KY. During her tenure, Ms. Buchanan has served combat veterans of every war and conflict since World War I.

I now ask my fellow colleagues to join me in thanking Ms. Buchanan for her dedication and commitment to the Disabled American Veterans. Her devotion to our Nation's combat heroes serves as an example to all citizens of the Commonwealth.•

CONGRATULATING ST. ELIZABETH MEDICAL CENTER

• Mr. BUNNING. Mr. President, today I rise to congratulate St. Elizabeth Medical Center of northern Kentucky. St. Elizabeth has been named as a magnet hospital by the American Nurses Credentialing Center.

Designation as a magnet hospital by this organization is an extremely prestigious honor, so much so that some have called it the Nobel Prize of hospital nursing. Fewer than 200 providers have received this recognition. This puts St. Elizabeth in the company of only 3 percent of U.S. hospitals.

Just as the award it has received indicates, St. Elizabeth acts as a magnet for nursing. It offers the exceptional quality of nursing care and attracts and retains the most talented nurses. Not only is this good news for St. Elizabeth, but it is good news for the community—they know that if they go to this facility, they will be receiving some of the best care in the country. I am extremely excited that northern Kentucky is receiving the nursing care that it deserves.

I congratulate St. Elizabeth Medical Center on this achievement. Everyone involved with this institution is an inspiration to the citizens of Kentucky. I look forward to all that St. Elizabeth accomplishes in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5384. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4681. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5384. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and with an amended preamble:

S. Res. 301. A resolution commemorating the 100th anniversary of the National Audubon Society.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 801. A bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the ''John Milton Bryan Simpson United States Courthouse''.

S. 2650. A bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the ''Carroll A. Campbell, Jr. Federal Courthouse.''

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. WARNER for the Committee on Armed Services. Air Force nomination of Gen. Michael V. Hayden to be General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. ROBERTS:

S. 2994. A bill to provide for the mandatory revocation, in addition to the mandatory denial, of passports of individuals who have a certain level of child support arrearages; to the Committee on Finance.

By Mr. DEMINT:

S. 2995. A bill to suspend temporarily the duty on Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6 ,6-tetramethyl-1-piperdine ethanol; to the Committee on Finance.

By Mr. DEMINT:

S. 2996. A bill to suspend temporarily the duty on 2-(2H-Benzotriazol-2-yl)-4,6-bis(1,1-dimethylpropyl)phenol; to the Committee on Finance.

By Mr. DEMINT:

S. 2997. A bill to suspend temporarily the duty on Decanedioic acid, bis(2,2,6,6-tetramethyl-4-piperidinyl) ester; to the Committee on Finance.

By Mr. DEMINT:

S. 2998. A bill to suspend temporarily the duty on 1 ,2-Bis(3-aminopropyl) ethylenediamine, polymer with N-butyl-2,2,6 ,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, and Mr. DOMENICI):

S. 2999. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3000. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3002. A bill to suspend temporarily the duty on a mixture of barium carbonate, strontium carbonate, calcium carbonate, methoxy-2-propananolacetate-1, for use as emitter suspension cathode coating; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3003. A bill to suspend temporarily the duty on resin cement based on calcium carbonate and silicone resins; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3004. A bill to suspend temporarily the duty on Phosphor YOX, yttrium oxide phosphor, activated by europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3005. A bill to suspend temporarily the duty on Phosphor-BAG-barium magnesium aluminate phosphor; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3006. A bill to suspend temporarily the duty on Yttrium vanadate phosphor; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3007. A bill to suspend temporarily the duty on phosphor SCAP strontium chloroapatite-europium; to the Committee on Finance .

By Mr. REID (for Mr. ROCKEFELLER):

S. 3008. A bill to suspend temporarily the duty on preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3009. A bill to suspend temporarily the duty on aluminum nitrate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3010. A bill to suspend temporarily the duty on Halophosphor calcium diphosphate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3011. A bill to suspend temporarily the duty on phosphor zinc silicate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3012. A bill to suspend temporarily the duty on strontium magnesium phosphate-tin doped; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3013. A bill to suspend temporarily the duty on phosphor-YOF FLU PDR YOX; yttrium oxide phosphor, activated by europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3014. A bill to suspend temporarily the duty on phosphor-stronrium blue, strontium fluorophosphate, antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3015. A bill to suspend temporarily the duty on calcium halophosphate phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3016. A bill to suspend temporarily the duty on ceramic frit powder; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3017. A bill to suspend temporarily the duty on Phosphor Lite White and Phosphor Blue Halo; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3018. A bill to suspend temporarily the duty on Phosphor-SCA, strontium halophosphate doped with europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3019. A bill to suspend temporarily the duty on phosphor-cool white small particle calcium halophosphate phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3020. A bill to suspend temporarily the duty on phosphor LAP lanthanum phosphate phosphor, activated by cerium and terbium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3021. A bill to suspend temporarily the duty on Cerous nitrate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3022. A bill to suspend temporarily the duty on certain camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3023. A bill to suspend temporarily the duty on waste of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3024. A bill to suspend temporarily the duty on certain camel hair carded or combed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3025. A bill to suspend temporarily the duty on woven fabric of vicuna hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3026. A bill to suspend temporarily the duty on certain camel hair not processed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3027. A bill to suspend temporarily the duty on noils of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3028. A bill to suspend temporarily the duty on kashmir; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3029. A bill to extend temporarily the suspension of duty on combed cashmere; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. LIEBERMAN, and Mr. KENNEDY):

S. 3030. A bill to extend the period for unemployment compensation under the Katrina Emergency Assistance Act of 2006; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEWINE:

S. 3031. A bill to suspend temporarily the duty on certain articles of platinum; to the Committee on Finance.

By Mr. DEWINE:

S. 3032. A bill to suspend temporarily the duty on certain nickel alloy wire; to the Committee on Finance.

By Mr. DEWINE:

S. 3033. A bill to suspend temporarily the duty on Methylionone; to the Committee on Finance.

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

S. 3034. A bill to suspend temporarily the duty on titanium mononitride; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Ms. SNOWE, and Mr. CHAFEE):

S.J. Res. 37. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HAGEL (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. MURKOWSKI, and Mr. VOINOVICH):

S. Res. 491. A resolution recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist, and commemorating the 65th anniversary of his death on June 29, 1941; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. Res. 492. A resolution to amend the Standing Rules of the Senate to prohibit Members from using charitable foundations for personal gain; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself and Mr. DODD):

S. Res. 493. A resolution calling on the Government of the United Kingdom to establish immediately a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Western Park agreement and a way forward for the Northern Ireland Peace Process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 380

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 457

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide

commercial purchase cards, and for other purposes.

S. 577

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

S. 660

At the request of Mrs. DOLE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 660, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 770

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 1479

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2135

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) 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. 2140

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2302

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2306

At the request of Mr. LEVIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2306, a bill to amend the National Organ Transplant Act to clarify that kidney paired donation and kidney list donation do not involve the transfer of a human organ for valuable consideration.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Missouri (Mr. BOND) were added as cosponsors 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. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2784

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2784, a bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2970

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from

Vermont (Mr. LEAHY), the Senator from Iowa (Mr. HARKIN), the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2970, a bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Missouri (Mr. BOND) 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.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as ''National Airborne Day''.

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

AMENDMENT NO. 4045

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 4045 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4071

At the request of Mr. BOND, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4071 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4083

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 4083 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4114

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 4114 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4124

At the request of Mr. BURNS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4124 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4127

At the request of Mr. BYRD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 4127 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4144

At the request of Mrs. BOXER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4144 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4167

At the request of Mr. COLEMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4167 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4175

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 4175 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4178

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4178 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 2994. A bill to provide for the mandatory revocation, in addition to the mandatory denial, of passports of individuals who have a certain level of child support arrearages; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to offer legislation that helps to prevent children from living in poverty and ensures that noncustodial parents pay child support, instead of fleeing off to hide from their responsibilities. I commend my fellow Kansas colleagues, Congressman JERRY MORAN and Congressman DENNIS MOORE, for introducing similar legislation in the House.

The problem is this: a noncustodial parent could potentially avoid paying their responsible share of child support by leaving the country. State child support enforcement agencies must certify cases to the State Department for passport denial if the child support debt is over $5,000. The $5,000 is slated to be reduced in October 2006 to $2,500 in accordance with Public Law 109–171. The loophole that emerges is for those deadbeat parents who already have a passport. Under current implementation of the law, the next opportunity point of enforcement is at the renewal of the passport, which could be several years down the road. The legislation I offer today closes that loophole, and simply instructs the State Department to revoke, in addition to denying, a noncustodial parent's passport once the individual's child support debt exceeds the amount set in law.

Studies show that the receipt of child support is a key factor that keeps a child and single parent family from living in or near poverty. Beyond that financial security that steady child support provides, there is a greater likelihood that the noncustodial parent is personally involved in their child's life. If a parent shows responsibility financially, there is a bigger chance that he or she is involved emotionally. The impact of a noncustodial parent's involvement in his child's life, in many cases, results in better grades and fewer behavioral problems.

In Kansas alone, there are currently 131,000 child support cases open, including those receiving public assistance, and those above that income bracket. Last year, the Kansas Child Support Enforcement program collected $156 million in child support. However, that number represents only 54 percent of all payments owed to children. Unfortunately, that missing 46 percent of child support overdue averages out to

just over $7,000 per child. That is quite a loss for a single-parent's household budget to absorb.

Now, you might ask: What percentage of the population will this help? I would concede that, although this may not impact a high percentage of those children and families receiving child support, the impact on an individual family is very significant. According to my State's limited records on this issue, approximately 50 passport applications and renewals are denied on a yearly basis. That figure does not include those passports that should be revoked. Coupled with the upcoming reduction in allowable debt, the Kansas Child Support Enforcement Program estimates that the number of deadbeat parents affected would increase to 250. The security afforded by the steady stream of child support could be the lone determinant of a family living in poverty or existing on adequate financial ground.

I encourage my colleagues to add their support to this important fix. We must ensure that the tools provided to the States have the teeth necessary to discourage deadbeat parents from running out on their financial responsibilities.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, and Mr. DOMENICI):

S. 2999. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Today I join with my colleagues Senator ROCKEFELLER and Senator DOMENICI to introduce the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am proud to have had the opportunity to again work with my friend, Senator ROCKEFELLER, on the important issues affecting the most vulnerable and at risk children—children in foster care. This is an important bill and I hope we will be able to pass swiftly.

In 1997, I worked on the Adoption and Safe Families Act, an important bill that worked to provide timelier placement of children in foster care. Since that time, it has been successful. Dramatically more children are being adopted. Children are spending less time languishing in foster care and have greater opportunities to find a permanent home or family. However, there are barriers that remain for children in foster care—particularly for children who are placed across state lines for various reasons—including trying to place them with family members or if a family in another state is looking to adopt that child. These children are shown to continue to remain in foster care for much longer periods of time. Through no fault of their own—they wait for placement and wait for a permanency in their lives that children long for and deserve.

I also want to thank the work that the States have done to alleviate the problems we currently find in interstate placement. This has been a problem for many years, but recently States have been active in creating and promulgating guidelines for dealing with complications that can arise related to interstate placement. I hope that we can see these guidelines soon implemented. The primary power to move these children to homes rests with the States, and we want to encourage their quick action.

This bill will require and support States in the expeditious study of homes for children in foster care who may be placed or adopted across State lines. This bill would allow a 60-day period for such study to occur—while 2 months is a long time in the life of a child, we feel that it is an appropriate balance between the needs of the State and child welfare agencies to conduct thorough assessments and the needs of the child to be in a more permanent home.

This bill also expresses the sense of the Congress that States should accept the home study evaluations done by another State. This would go a long way to reduce time waiting for placement and redundancy of effort in the child welfare system.

Importantly, this bill is not just another mandate on States. This bill would provide resources to enhance and speed up their systems for interstate placement—but States do have to earn it. If passed, it would provide $1,500 per child who was placed within a 30-day period. States can use this money to improve their systems for placement, hire more staff to conduct placement, or otherwise use it for improvement of services for foster children in their State.

This bill will also improve the rights of children and their foster, pre-adoptive parents, or family caregivers to be heard in court proceedings concerning their case within the child welfare system. It is important that a child's needs are appropriately represented and this bill will work to ensure that the parties most involved in the child's life are present when important matters are being considered. Courts will also be required to work more closely with their counterparts in other States when the situation warrants. The judges who work with the child welfare system hold so much power in so many children's lives. We must continue to encourage their cooperation with outside stakeholders, including child welfare systems and court systems in other States, to quickly move these children to permanent homes. There is no excuse for a child to languish in a system for months and sometimes years of their lives due to court inaction or delay.

Again, I want to thank my colleagues for their work and support of these efforts. I am confident that we can work together to quickly pass this legislation and put it to work for our Nation's children.

Mr. ROCKEFELLER. Today, I rise to join my colleagues Senators DEWINE and DOMENICI to introduce the Safe and Timely Interstate Placement of Foster Children Act of 2006. This is a bipartisan initiative that I have been working on for several years.

This legislation could help to deliver on the promises made in the Adoption and Safe Families Act of 1997 which stated that geographic barriers should not delay or deny adoptions. Unfortunately, data continues to suggest that it can take twice as long for a child to leave foster care to an out-of-state placement. When a child leaves foster care and goes out of state, half of the time the child is being adopted and gaining a permanent home. In about twenty percent of the cases, a child is being placed with a parent or caretaker. These are good, permanent options for children, and it should not take twice as long to achieve such a placement.

This new legislation could provide incentives for States to process these out-of-state claims more quickly. In my view, this complements and builds upon actions by many States to update the 1960 Interstate Compact for the Placement of Children. The purpose of this legislation is to add specific timeframes and to provide federal incentives to achieve the goal set in 1997 of reducing and eliminating geographic barriers.

As technology has vastly improved, and more families seek to open their hearts and homes to children in foster care, we need improved regulations and policies to serve such families. This legislation is part of the DeWine-Rockefeller bill, called the ''We Care Kids Act''. Thanks to the leadership of Chairman GRASSLEY, the major provisions of We Care Kids Act were included in the reconciliation package to invest in court training and data to help judges have insight and the information needed to care for the vulnerable children in foster care. But action could not be taken to improve interstate case planning within the reconciliation bill. In 2004, similar legislation passed the House of Representatives. Today, we are re-introducing the legislation for timely placements of children across state lines. Hopefully the Senate will act, and we can help children in foster care get a permanent home in a timely manner.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3000. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I rise today to introduce legislation which will resolve an ongoing dispute in our State concerning rights of way in the Copper River Valley region.

In 1906, Congress passed the Alaska Native Allotment Act, which allowed Alaska Natives to each claim up to 160 acres of land. Between 1906 and 1970, Alaska Natives filed allotment applications. The majority of these were filed

in the late 1960s. In 1971, Congress repealed the Alaska Native Allotment Act as part of the Alaska Native Claims Settlement Act. Congress then resolved all outstanding land claims by approving pending applications in the 1980 Alaska National Interest Lands Conservation Act. This approval was subject to valid existing rights.

When it settled the outstanding land claims in our State, Congress unintentionally created an issue which is now the subject of several lawsuits. In the 1950s and 1960s, the Federal Government and the State of Alaska granted rights of way to the Copper Valley Electric Association to run power lines across areas in our State which were later claimed by Alaska Natives. These rights were conveyed before Alaska Native allotment claims had been filed and processed.

Since outstanding land claims were approved through ANILCA in 1980, several Native allottees have come forward and claimed the Copper Valley Electric Association is trespassing on their lands. In 1987, the Interior Board of Land Appeals affirmed this position, finding Native allotees have priority over other competing uses of land—in this case, those of the utility company—regardless of the fact that the rights of way were granted prior to the conveyance of the property in question to the allotees. This situation is still unresolved and has resulted in years of litigation.

We have been unable to settle these disputes through existing remedies. These conflicts now jeopardize existing transportation and utility corridors. This issue threatens future infrastructure development in the region.

At my request, the Government Accountability Office, GAO, reviewed this situation. The GAO issued its report and recommended solutions. This bill incorporates the GAO's recommendation. It compensates the owners of the Native allotments, while ensuring that the utility companies are able to provide residents with the infrastructure and services they need. I believe this is the most equitable solution available, and I urge the Senate to pass this bill.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.

First, I would like to thank Senator FEINSTEIN and her staff for their work on what I believe is an excellent and much needed proposal.

No one disputes that preserving our homeland must be our first priority. Without that, every other goal falls away. And no one can dispute that the enemy we face today is an enemy beyond negotiation. It is an enemy that believes it is on a mission from God to establish a worldwide theocracy and destroy all those who preach tolerance of other ideas. It is an enemy that regards mercy as a moral failing, and proudly plays videotapes of its followers beheading innocent civilians.

At the same time, no one disputes that we must, in fighting to preserve America, ensure that we protect what is uniquely American—our way of life, our principles, and our belief in liberty. Throughout our history, we have balanced the need to protect our Nation with the need to preserve our freedom.

No one disputes that we must continue to achieve both of these ends. The question is how to do so.

I believe that the Foreign Intelligence Surveillance Improvement and Enhancement Act goes a long way to answering this question. It is a responsible bill that establishes a workable framework for the future.

This bill eliminates some artificial and outdated constraints in FISA:

It grants the executive branch 7 days, instead of 3 days, for seeking an emergency order—a change that the FISA judges who testified before the Judiciary Committee advocated; it cuts through redtape by confirming that applications for FISA orders may be made by delegees of the Attorney General, such as the Deputy Attorney General and Assistant Attorney General of the National Security; it creates new emergency provisions, allowing extended periods of surveillance in the event our Nation is once again attacked; and it allocates additional personnel to DOJ to prepare applications for FISA orders in a prompt and timely manner.

This bill also ensures that our civil liberties are protected by strengthening oversight of the executive branch:

It eliminates the current ambiguity in FISA and the National Security Act of 1947, and makes it clear the executive branch must inform all members of the Senate and House Intelligence Committees on all electronic surveillance programs; it requires the executive branch to submit an additional report to the congressional Intelligence Committees listing any recommendations for legislative or administrative improvements in FISA, so that we in Congress can update FISA as needed; it establishes rigorous reporting requirements for the exercise of emergency surveillance powers; and it establishes a document management system to ensure that information concerning electronic surveillance programs is readily available for review by the Foreign Intelligence Surveillance Court and Congress, to allow for short term decisions and long-term accountability.

I do have one concern over the bill, a concern over constitutionality. The bill states that the only way the President may carry out electronic surveillance is through the procedures outlined in FISA or the Federal Criminal Code. During the four hearings I held in the Senate Judiciary Committee, numerous scholars and five FISA judges called this provision into question. They testified that the President has certain inherent powers that we in Congress cannot take away. They explained that to the extent a bill purports to override the President's inherent powers, and tell the President that he may not use them, the bill might be unconstitutional.

I think this is precisely the type of complex and weighty concern that we should work out in the Judiciary Committee, through study, analysis, and discussion. And I look forward to having those discussions with Senator FEINSTEIN and the other members of the committee.

I urge my colleagues to support the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Ms. SNOWE, and Mr. CHAFEE):

S.J. Res. 37. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I am very pleased to join my distinguished colleagues, the Senator from Connecticut, Mr. LIEBERMAN, the senior Senator from Maine, Ms. SNOWE, and Senator CHAFEE in introducing this joint resolution, which would affirm the Senate's commitment to recognize the International Emergency Management Assistance Compact, IEMAC. The purpose of IEMAC is to provide mutual assistance among the States of the Northeastern United States and the Provinces of eastern Canada for responding to any type of disaster, whether arising from natural or man-made causes.

A number of recent disasters and emergencies have necessitated mutual aid and assistance among the Northeastern States and eastern Canadian Provinces. For example, both the January 1998 ice storm and the August 2003 blackout left millions of people without electrical power, knocked out public water supplies and other essential services, and caused billions of dollars in property damage or business losses. In the past quarter century alone, there have been more than 100 presidentially declared disasters and emergencies in the Northeast, or, on average, about four per year. Many of these events required State and Provincial emergency management organizations to request out-of- jurisdiction mutual assistance to deal with the emergency.

The importance of mutual assistance was made clear by Hurricane Katrina, in which 44 States and the District of

Columbia received presidential emergency declarations. This was the largest number of declarations ever made for a single disaster in FEMA history. Most of these declarations were not the result of States receiving direct damage from the storm but rather because they reached out to assist the devastated States through the nationwide Emergency Management Assistance Compact, EMAC, sending personnel, equipment and supplies into the stricken areas. In addition, numerous host States opened shelters to assist hurricane evacuees.

The genesis of IEMAC was the 1998 ice storm. The worst ice storm in our region's history demolished power lines from Quebec, through upstate New York, across Vermont, New Hampshire and Maine. As many as 4 million people were without electricity, some 700,000 people for as long as 3 weeks, and damage topped $6 billion.

The following June, the New England Governors Conference and Eastern Canadian Premiers signed Resolution No. 23–5 to adopt an International Emergency Management Assistance Agreement. The resulting memorandum of understanding was adopted by the conference in July 2000. In October of 2004, the memorandum of understanding was the renamed International Emergency Management Assistance Compact. The Governors and Premiers established the International Emergency-Management Group, IEMG, to implement the compact and to work closely developing plans to train and exercise for disasters and emergencies that could affect the Northeastern States and Provinces. The Management Group meets regularly and has recently developed a draft operational manual to fully implement the compact, which is slated to be approved at the IEMG meeting in Quebec this month.

The members of the compact are the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and the Provinces of Québec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland. Other States and Provinces may join the compact in the future.

IEMAC provides form and structure to international mutual aid between the Northeastern States and eastern Canadian Provinces. It addresses such issues as liability, payment, and credentialing before the emergency occurs, which allows for expedited deployment of resources and personnel in time of emergency. Working out the myriad legal and technical details in advance is especially important when resources and personnel must cross international boundaries.

The value of the compact already has been demonstrated. When Hurricane Juan slammed into Nova Scotia in late September of 2003, partners in the existing memorandum of understanding provided quick and substantial aid to the stricken province. When Nova Scotia, still recovering from the hurricane, was hit again just a few months later by ''White Juan,'' a powerful blizzard, effective mutual aid again alleviated the suffering.

The compact was formed in the aftermath of a powerful ice storm, but the terrorist attacks of 9/11 amplified its importance. The Northeastern United States and eastern Canada are home to major population centers, vast industrial facilities, major cargo ports, and nuclear power plants—all potential terrorist targets. In the event of an attack, tighter border security would be both inevitable and necessary, and the prearrangements made through the compact would be invaluable.

The role of the compact is ever expanding. There are a multitude of threats facing the Northeast States and eastern Canadian Provinces today, and the close working relationship of the member jurisdictions fosters a cooperative environment and creates a strong partnership. These strong bonds contribute to the goals of a more secure region and an effective response capability when a disaster or emergency does occur.

As has been seen numerous times in the past, disasters know no boundaries—municipal, State, provincial or international. I ask you to join me in adopting the International Emergency Management Assistance Compact so that in a time of disaster the boundaries that separate jurisdictions are not barriers to cooperation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

''Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

''The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the 'compact,' is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as 'party jurisdictions.' For the purposes of this agreement, the term 'jurisdictions' may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

''The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

''This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

''Article II—General Implementation

''Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

''The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

''On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

''Article III—Party Jurisdiction Responsibilities

''(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

''(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

''(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

''(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

''(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

''(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human

and material to the extent authorized by law;

''(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

''(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

''(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

''(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

''(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

''(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

''(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

''Article IV—Limitation

''Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

''Article V—Licenses and Permits

''Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

''Article VI—Liability

''Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

''Article VII—Supplementary Agreements

''Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

''Article VIII—Workers' Compensation and Death Benefits

''Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

''Article IX—Reimbursement

''Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

''Article X—Evacuation

''Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

''Article XI—Implementation

''(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

''(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

''(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

''Article XII—Severability

''This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

''Article XIII—Consistency of Language

''The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

''Article XIV—Amendment

''This compact may be amended by agreement of the party jurisdictions.''.

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 491—RECOGNIZING THE ACCOMPLISHMENTS OF IGNACY JAN PADEREWSKI AS A MUSICIAN, COMPOSER, STATESMAN, AND PHILANTHROPIST, AND COMMEMORATING THE 65TH ANNIVERSARY OF HIS DEATH ON JUNE 29, 1941

Mr. HAGEL (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. MURKOWSKI, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 491

Whereas Ignacy Jan Paderewski, born in Poland in 1860, was a brilliant and popular

pianist who performed hundreds of concerts in Europe and the United States during the late 19th and early 20th centuries;

Whereas Paderewski donated the bulk of the proceeds of his concerts to charitable causes, including the establishment of the American Legion's Orphans and Veterans Fund;

Whereas, during World War I, Paderewski worked for the independence of Poland and served as the first Premier of Poland;

Whereas, in December 1919, Paderewski resigned as Premier of Poland, and in 1921 he left politics to return to his music;

Whereas the German invasion of Poland in 1939 spurred Paderewski to return to political life;

Whereas Paderewski fought against the Nazi dictatorship in World War II by joining the exiled Polish Government to mobilize the Polish forces and to urge the United States to join the Allied Forces;

Whereas, on June 29, 1941, Paderewski died in exile in the United States while all of Europe was imperiled by war and occupation;

Whereas, by the direction of President Franklin D. Roosevelt, the remains of Paderewski were placed alongside the honored dead of the United States in Arlington National Cemetery, where President Roosevelt said, ''He may lie there until Poland is free.'';

Whereas, in 1963, President John F. Kennedy honored Paderewski by placing a plaque marking his remains at the Mast of the Maine at Arlington National Cemetery;

Whereas, in 1992, President George H.W. Bush, at the request of Lech Walesa, the first democratically elected President of Poland since World War II, ordered the remains of Paderewski to be returned to his native Poland;

Whereas, on June 26, 1992, the remains of Paderewski were removed from the Mast of the Maine at Arlington National Cemetery and returned to Poland 3 days later;

Whereas, on July 5, 1992, the remains of Paderewski were interred in a crypt at the St. John Cathedral in Warsaw, Poland; and

Whereas Paderewski wished his heart to be forever enshrined in the United States, where his lifelong struggle for democracy and freedom had its roots and was cultivated, and now his heart remains at the Shrine of the Czestochowa in Doylestown, Pennsylvania: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist;

(2) on the 65th anniversary of his death, acknowledges the invaluable efforts of Ignacy Jan Paderewski in forging close ties between Poland and the United States; and

(3) recognizes Poland as an ally and strong partner in the war against global terrorism.

Mr. HAGEL. Mr. President, on behalf of my colleagues Senators MIKULSKI, DURBIN, MURKOWSKI, and VOINOVICH, I rise to submit a resolution recognizing the accomplishments of Ignacy Jan Paderewski on the 65th anniversary of his death on June 29, 1941.

Born in Poland in 1860, Paderewski is remembered for his contributions as a musician, philanthropist, statesman, and as one of the great men of his time. Paderewski was a brilliant and popular pianist who performed hundreds of concerts in Europe and the United States during the late 19th and early 20th centuries, donating the proceeds to numerous charitable causes. During World War I, Paderewski played a central role in helping achieve Poland's independence, serving as the first Premier of Poland from 1919 until 1922, when he left politics and returned to music.

The German invasion of Poland in 1939 spurred Paderewski to return to politics where he fought against Nazi Germany in World War II and joined the exiled Polish Government, where he helped mobilize Polish forces against the Nazis.

Paderewski died in 1941. At the direction of President Franklin D. Roosevelt, Paderewski's remains were placed alongside America's honored dead in Arlington National Cemetery. He did not live to see the U.S. and Allied Forces free Europe from the tyranny of Nazi control. Paderewski's legacy inspired movements throughout Europe, including Solidarity in Poland.

In 1992, Solidarity Leader Lech Walesa, the first democratically elected President of Poland since World War II, asked U.S. President George H.W. Bush to return Paderewski's remains to his native homeland. On July 5, 1992, Paderewski's remains were interred in a crypt at the St. John Cathedral in Warsaw, Poland.

Mr. President, Ignacy Jan Paderewski's life and legacy is testimony to the enduring bonds between the United States and Poland. As we near the 65th anniversary of Paderewski's death on June 29, 1941, my colleagues and I are honored to submit this resolution honoring Ignacy Jan Paderewski and ask that it be appropriately referred.

SENATE RESOLUTION 492—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT MEMBER FROM USING CHARITABLE FOUNDATIONS FOR PERSONAL GAIN

Mr. BAUCUS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 492

Resolved,

SECTION 1. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

''13. (a) A Member of the Senate shall not use for personal or political gain any organization—

''(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

''(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

''(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

''(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

''(2) any of the Member's staff is employed by the organization;

''(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

''(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

''(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

''(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

''(2) For purposes of this subparagraph, an applicable contribution is a contribution—

''(A) which is to an organization described in subparagraph (a);

''(B) which is over $200; and

''(C) of which such Member or employee, as the case may be, knows.

''(3) The disclosure under this subparagraph shall be made not later than 6 months after the date on which such Member or employee first knows of the applicable contribution.

''(4) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

''(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

''(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

''(A) the independence of the Member from the organization;

''(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

''(C) the risk of abuse; and

''(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

Mr. BAUCUS. Mr. President, the resolution I am submitting aims to ensure that charities under the control of Senators can be viewed in the most ethical terms.

Mahatma Gandhi once said: ''Men say that I am a saint losing myself in politics. The fact is that I am a politician trying my hardest to be a saint.''

That sums up the purpose of my resolution. We in the Senate run for office to do good. We try to make the country better. We try to serve. We strive to do the right thing.

As much as we try, however, even innocent gestures can be perceived as self-serving, or at worst, unethical.

Some of us have started charities that we believe help to serve our country and important public needs.

Senators may innocently employ staff who they trust at the charity. Senators may use lawyers who they are familiar with to ensure that requirements are met. Senators may accept

contributions from corporations because the funds will be spent on a worthy cause.

The activities that I have listed may betray nothing more than an innocent effort to carry out charitable works. But the public has a right to be skeptical. The public has a right to know what companies—that may or may not have business before the Senate—are donating to charities controlled by Senators.

My resolution would not ban Senators from starting charities. But it would address the healthy skepticism that the public has expressed about the rules governing charities controlled by Members of Congress.

As the Washington Post noted in an editorial on Tuesday, March 7 ''[W]hen lawmakers have a personal interest in the charity, the opportunities for abuse are greatly magnified.''

Because of the potential for abuse, and because of the perception of abuse, I believe that rules governing charities controlled by Senators should be ''greatly magnified.''

I am glad that the bill reported by the Homeland Security Committee takes a step to provide more disclosure in this area. The Homeland Security Committee bill would require disclosure of gifts by lobbyists to charities controlled by Members of Congress.

This is a good first step, but I think we can do better.

My resolution would do the following: First, it would require that any gift over $200 to a charity substantially influenced by a Senator be disclosed if the Senator or their senior staff are aware of the gift. While disclosing gifts from lobbyists is important, it is equally imperative that gifts from corporations and individuals are also disclosed.

Second, my resolution prohibits Senators from using a charity they substantially influence for what can be perceived as their personal gain.

How does the resolution do this? Under Senate Rule XXXVII, concerning conflicts of interest, a Senator would be barred from deriving personal gain from a charity that they substantially influence.

The resolution defines personal gain in the following way: (1) When a Senator or their family member is employed by the charity in a paid capacity (2) When a member of the Senator's staff is employed by the charity in a paid capacity (3) When an individual or firm that receives income from the Senator's political action committee serves in a paid capacity to the charity (4) When the charity pays for travel or lodging costs by the Senator on a trip where the Senator also engages in political fund raising (5) And, finally, when another charity receives payment from the Senator's charity to pay for the Senator's travel and lodging.

In vetting this proposal, I have heard concerns that prohibition on a Senator's family serving in a paid capacity of a charity they substantially influence may be too broad. The example of my friend Senator ELIZABETH DOLE is raised. When her husband, Senator Bob Dole served as our distinguished majority leader, Senator ELIZABETH DOLE served as the president of the American Red Cross. The purpose of my resolution is not to clamp down on this from occurring.

That is why my resolution would allow Senators to seek a waiver from the Senate Ethics Committee when a family member has substantial influence over a charity, and the family member's influence over the charity clearly does not provide any benefit to the Senator.

I know that some Senators may argue that more rules do not ensure ethical conduct. That is true. Every Senator is responsible for behaving ethically. My resolution will not automatically make unethical arrangements ethical. Nor should the resolution be viewed as a statement on the ethical conduct of members that currently maintain and control charities. As Ecclesiastes chapter 3, verse 17 says, ''God shall judge the righteous and the wicked.''

My resolution simply aims to do better—to give the public confidence that when a Senator starts a charitable organization it is for charitable purposes. It is to fulfill the commandment expressed in Deuteronomy that ''Every man shall give as he is able. ''

My resolution has been endorsed by the watchdog groups Public Citizen and the National Committee on Responsive Philanthropy.

I urge the Senate to support my resolution.

SENATE RESOLUTION 493—CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO ESTABLISH IMMEDIATELY A FULL, INDEPENDENT, PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE, AS RECOMMENDED BY INTERNATIONAL JUDGE PETER CORY AS PART OF THE WESTERN PARK AGREEMENT AND A WAY FORWARD FOR THE NORTHERN IRELAND PEACE PROCESS

Mr. DEWINE (for himself and Mr. DODD) submitted the following resolution; which was referred to the committee on Foreign Relations:

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas numerous international bodies and nongovernmental human rights organizations have made note of serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas, in July 2001, the Irish and British Governments made new commitments in the Weston Park Agreement to hold public inquiries into high profile murders if the Honorable Judge Peter Cory recommended such action, and both governments understood that such an inquiry would be held under the United Kingdom Tribunals of Inquiry (Evidence) Act 1921;

Whereas Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the murder of Patrick Finucane and recommended that such an inquiry take place without delay;

Whereas, in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into the Finucane case and that the failure to hold a public inquiry as soon as reasonably possible could be seen as a denial of the agreement at Weston Park;

Whereas, on May 6, 2004, Judge Cory testified in Congress before the United States Helsinki Commission and presented his report, which is replete with evidence of possible collusion relating to activities of the army intelligence unit and the Royal Ulster Constabulary (RUC) in the Finucane case;

Whereas the United Kingdom adopted new legislation after the public release of the Cory Report, the United Kingdom Inquiries Act of 2005, which severely limits the procedures of an independent inquiry and which has been rejected as inadequate by Judge Cory, the Finucane family, the Irish Government, and human rights groups;

Whereas, on March 15, 2005, Judge Cory submitted written testimony to the Committee on International Relations of the United States House of Representatives stating that the new legislation is ''unfortunate to say the least'' and ''would make a meaningful inquiry impossible'';

Whereas the written statement of Judge Cory also stated that his recommendation for a public inquiry into the Finucane case ''contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act'' and not the United Kingdom Inquiries Act of 2005;

Whereas section 701 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) and House Resolution 128, 106th Congress, agreed to April 20, 1999, support the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

Whereas the Senate expresses deep regret with respect to the British Government's failure to honor its commitment to implement recommendation of Judge Cory in full: Now therefore, be it

Resolved, That the Senate—

(1) commends the Finucane family, wife Geraldine and son Michael, who have testified 5 times before the United States Congress (Geraldine in 2000, 2004, and 2005 and Michael in 1997 and 1999), for their courageous campaign to seek the truth in this case of collusion;

(2) welcomes the passage of a resolution by the Dail Eireann on March 8, 2006, calling for the establishment of a full, independent, public judicial inquiry into the murder of Patrick Finucane as the most recent expression of support for the Finucane family by the Government of Ireland;

(3) acknowledges the United States Helsinki Commission charged with human rights monitoring for their work in highlighting this case;

(4) supports the efforts of the Honorable Mitchell Reiss, special envoy of President Bush for the Northern Ireland Peace Process, in pushing for the full implementation of the Weston Park Agreement and the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

(5) calls on the Government of the United Kingdom—

(A) to reconsider its position on the Finucane case to take full account of the objections of the family of Patrick Finucane, Judge Cory, officials of the United States

Government, other governments, and international bodies, and amend the United Kingdom Inquiries Act of 2005; and

(B) to establish immediately a full, independent, public judicial inquiry into the murder of Patrick Finucane, as recommended by Judge Cory, which would enjoy the full cooperation of the family of Patrick Finucane and the wider community throughout Ireland and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

TEXT OF AMENDMENTS

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end insert the following:

''(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following clause:

(iii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (III) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year.''

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator,

subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADJUSTMENT OF STATUS FOR CERTAIN PERSECUTED RELIGIOUS MINORITIES.

(a) IN GENERAL.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) is a persecuted religious minority;

(2) is admissible to the United States as an immigrant, except as provided under subsection (b);

(3) had an application for asylum pending on May 1, 2003;

(4) applies for such adjustment of status;

(5) was physically present in the United States on the date the application for such adjustment is filed; and

(6) pays a fee, in an amount determined by the Secretary, for the processing of such application.

(b) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) INAPPLICABLE PROVISION.—Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) shall not apply to any adjustment of status under this section.

(2) WAIVER.—The Secretary may waive any other provision of section 212(a) of such Act (except for paragraphs (2) and (3)) if extraordinary and compelling circumstances warrant such an adjustment for humanitarian purposes, to ensure family unity, or if it is otherwise in the public interest.

(c) PERSECUTED RELIGIOUS MINORITY DEFINED.—In this section, the term ''persecuted religious minority'' means an individual who—

(1) is, or was, a national or resident of Iraq;

(2) is a member of a religious minority in Iraq, and

(3) shares common characteristics with other minorities in Iraq who have been targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Respect for America's Fallen Heroes Act''.

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—No person may carry out—

''(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

''(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

''(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

''(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

''(1) Any picketing or similar conduct.

''(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

''(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

''(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.''.

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

''Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 24, 2006, at 9:15 a.m., in executive session to consider the nomination of General Michael V. Hayden, USAF, for reappointment to the grade of general and to be director, Central Intelligence Agency.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24 at 10 a.m. The purpose of this meeting is to consider pending calendar business which may be ready for consideration.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 24, 2006, at 3:30 p.m., to hold a hearing on nominations.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 24, 2006, at 9:30 a.m., to consider the nomination of R. David Paulison to be Under Secretary for Federal Emergency Management of the U.S. Department of Homeland Security.

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

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Wednesday, May 24, 2006, at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: TBA.

Panel II: Andrew J. Guilford to be United States District Judge for the Central District of California, Frank D. Whitney to be United States District Judge for the Western District of North Carolina

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2006, at 2:30 p.m. to hold a closed Business Meeting.

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

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Disaster Prevention and Prediction Subcommittee be authorized to meet on Wednesday, May 24, 2006, at 2:30 p.m., on the 2006 Hurricane Forecast and At-Risk Cities.

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

SUBCOMMITTEE ON AVIATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Aviation be authorized to meet on Wednesday, May 24, 2006, at 10 a.m. on NTSB reauthorization.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 2788, a bill to direct the exchange of certain land in Grand, San Juan and Uintah counties, Utah and for other purposes; S. 2466, to authorize and direct the exchange and conveyance of certain national forest land and other land in southeast Arizona; and S. 2567, to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild scenic rivers in the State of California, and for other purposes.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 630, Dirk Kempthorne, to be Secretary of the Interior.

The PRESIDING OFFICER. The clerk will report the nomination.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

CLOTURE MOTION

Mr. FRIST. Mr. President, I believe there is an objection on the other side of the aisle to setting a time certain for a vote on this Cabinet nomination. Given that objection, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 630, the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

Bill Frist, Pete Domenici, John Cornyn, Tom Coburn, Jeff Sessions, Wayne Allard, Lindsey Graham, Mel Martinez, Pat Roberts, Judd Gregg, Johnny Isakson, Jim DeMint, Lamar Alexander, John Thune, Richard Burr, Bob Bennett, Chuck Hagel.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

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

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

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

RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5037, which was just received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 5037) to amend titles 38 and 18 of the United States Code to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

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

Mr. CRAIG. Mr. President, I have sought recognition to comment on an amendment I am offering with Senators INHOFE and FRIST to H.R. 5037, the ''Respect for America's Fallen Heroes Act. H.R. 5037 passed the House a couple of weeks ago by an overwhelming margin—408 to 3. It was conceived in response to hateful, intolerant demonstrations taking place at the funeral services of deceased servicemembers of the global war on terror. The fringe group responsible for these demonstrations believes that 2,752 of our Nation's finest have lost their lives in defense of America because, unbelievably, God is exacting His revenge on the United States for its permissive laws respecting homosexuality. It is a sad irony that the same 2,752 servicemembers who fought to guarantee the right of this fringe group to hold and express their beliefs are, along with the families of deceased servicemembers, now the victims of those same hateful, but protected, ideas.

First, it is important to point out that the House, led by Representative MIKE ROGERS of Michigan and Chairman BUYER, went to great lengths to carefully craft the House-passed legislation to preserve the dignity of military funerals while at the same time balancing first amendment rights. I applaud them, and Senator JIM INHOFE, the original sponsor of the Senate version of the bill, for being proactive in addressing a problem that no military family should experience at a VA national cemetery or at Arlington National Cemetery. Let me describe in brief the many provisions of their legislation that are left untouched by this amendment. We retain the prohibition on unapproved demonstrations on VA or Arlington cemetery grounds. We retain the language used to describe exactly what kind of demonstrations are prohibited. We retain the criminal penalties attached to those who violate the prohibitions. And we retain the language expressing the sense of the Congress that States enact legislation to restrict demonstrations near any military funeral. My amendment would only modify the language of the underlying bill that restricts demonstrations that are within 500 feet of cemetery property. Let me explain why.

Many VA cemeteries are tucked in the middle of residential neighborhoods. Thus, the reach of the proposed Federal law in the underlying bill would extend to all private residences located within 500 feet of any VA cemetery property or Arlington National Cemetery. I am always sensitive to expanding zones of Federal influence or regulation, especially to cover lands that are not its own, unless it is absolutely necessary. And, furthermore, in a report by the Congressional Research Service and analyses from constitutional law experts, it was concluded that a 500-foot buffer zone around the perimeter of all cemetery lands may not be sufficiently narrow to pass constitutional muster. Constitutional questions surrounding the language are, of course, open to debate. But my goal here was to move legislation that was as narrowly tailored as possible and that didn't take away any of its effectiveness in prohibiting these offensive demonstrations at our national shrines.

There have yet to be any unapproved demonstrations either on VA cemetery property or outside of its grounds. There have been demonstrations at Arlington National Cemetery, but those demonstrations have been limited to the gates outside the front entrance of the cemetery. Practically speaking, if there were to be any demonstrations at VA cemeteries they would likely be at cemetery access points, just as at Arlington. It is VA's policy to hold funeral ceremonies at committal shelters located on its cemetery grounds. By design, those shelters at open national cemeteries are a minimum of 300 feet from any property line. And the line of sight from the property line is, also by design, typically obstructed by trees, shrubs, or other foliage. In addition, each national cemetery has three or four committal shelters, on average, which could be used for ceremonies. According to VA officials, only the cemetery superintendent knows beforehand where the committal shelter to be used for a particular funeral ceremony is located. So it is unlikely that demonstrators could effectively ''disrupt'' a cemetery funeral ceremony at any point other than an access point when a funeral procession was entering or leaving cemetery grounds. There simply are too many distance, visual, and logistical obstructions to overcome.

Therefore, my amendment would do the following. It would prohibit individuals who, as part of any demonstration, and within 150 feet of any point of ingress to or egress from cemetery property, be it by road, pathway, or otherwise, willfully make, or assist in the making, of any noise or diversion that disturbs or tends to disturb the peace or good order of a funeral, memorial service, or ceremony. This language will ensure that as a funeral procession is entering or exiting any cemetery that there is sufficient distance between the procession and the demonstrators, and that no slowdown of the procession is precipitated by a large gathering of demonstrators near the gates of cemetery property. Furthermore, my amendment would prohibit any demonstration, irrespective of its character, that is within 300 feet of cemetery property that would impede access to or egress from the property.

The principles behind my amendment are simple: As a funeral procession approaches a national cemetery, there should be no obstruction of that procession for any reason. The closer the procession is to the gates of the cemetery, the tighter the restrictions on demonstrations should necessarily be to ensure a dignified, solemn, and respectful burial at our national shrines.

Again, I thank Representative ROGERS of Michigan and Senator INHOFE for their leadership on this issue. And I ask my colleagues for their support.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4187) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Respect for America's Fallen Heroes Act''.

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

''(a) PROHIBITION.—No person may carry out—

''(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

''(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

''(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

''(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the

peace or good order of the funeral, memorial service, or ceremony; or

''(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

''(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

''(1) Any picketing or similar conduct.

''(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

''(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

''(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.''.

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

''Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.''.

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5037), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, the bill we just passed was the Respect for America's Fallen Heroes Act. I would like to comment briefly, and I express my thanks to my colleagues for allowing me to proceed with this legislation and interrupt their debate.

I would like to read briefly from a news report that appeared in the Chicago Tribune this past April. And I quote:

Army Private First Class Amy Duerksen was 19 when she died last month in a U.S. military surgical hospital in Baghdad, 3 days after being shot in an accident. By all the accounts of her family, friends and superiors, she had been a model soldier, an impassioned patriot and a deeply devout Christian.

But none of that mattered to the six members of the Westboro Baptist Church who drove all night from their headquarters in Topeka, KS to show up outside Duerksen's March 17th funeral waving hateful placards.

I will not sully this institution or the memory of Amy Duerksen by repeating this group's detestable message. But I will tell you that today the Senate unanimously passed the Respect for America's Fallen Heroes Act, originally introduced by Congressman MIKE ROGERS of Michigan and passed in the House with near unanimous support.

Here in the Senate, we agreed, as one, that families like the Duerksens should never have to be harassed by protesters of any stripe as they bury their fallen warriors.

The Respect for America's Fallen Heroes Act will protect the sanctity of all 122 of our national cemeteries as shrines to our gallant dead.

It will ban demonstrations that occur within 500 feet of the cemetery without prior approval from an hour before a funeral until an hour after it. Violators will be fined up to $100,000 and spend a year in jail.

It's a sad but necessary measure to protect what should be recognized by all reasonable people as a solemn, private, and deeply sacred occasion.

The bill has been carefully crafted to meet constitutional muster. As even the ACLU acknowledges, ''The right of free expression is not an absolute right to express ourselves at any time, in any place, in any manner.''

And as the courts have identified, our national cemeteries are places deserving of the respect and honor of those interred or memorialized.

I thank Congressman ROGERS for bringing this issue to our attention. And I conclude with a passage from the Bible:

Blessed are those who mourn, for they will be comforted. Matthew 5:4.

We may never understand what compels a small group of small minded and mean hearted people to harass a family in mourning. But that is not our responsibility here. Our duty is to protect the solemn right of our military families to grieve the loss of America's fallen heroes in private, with the respect and dignity that is their due.

I look forward to this bill reaching the President's desk and being signed into law.

PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 419, S. 1773.

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

The bill clerk read as follows:

A bill (S. 1773) to resolve certain Native American claims in New Mexico, and for other purposes.

There being no objection, the Senate proceeded to consider the bill. which had been reported from the Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pueblo de San Ildefonso Claims Settlement Act of 2005''.

SEC. 2. DEFINITIONS AND PURPOSES.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE ACCESS.—The term ''administrative access'' means the unrestricted use of land and interests in land for ingress and egress by an agency of the United States (including a permittee, contractor, agent, or assignee of the United States) in order to carry out an activity authorized by law or regulation, or otherwise in furtherance of the management of federally-owned land and resources.

(2) COUNTY.—The term ''County'' means the incorporated county of Los Alamos, New Mexico.

(3) LOS ALAMOS AGREEMENT.—The term ''Los Alamos Agreement'' means the agreement among the County, the Pueblo, the Department of Agriculture Forest Service, and the Bureau of Indian Affairs dated January, 22, 2004.

(4) LOS ALAMOS TOWNSITE LAND.—''Los Alamos Townsite Land'' means the land identified as Attachment B (dated December 12, 2003) to the Los Alamos Agreement.

(5) NORTHERN TIER LAND.—''Northern Tier Land'' means the land comprising approximately 739.71 acres and identified as ''Northern Tier Lands'' in Appendix B (dated August 3, 2004) to the Settlement Agreement.

(6) PENDING LITIGATION.—The term ''Pending Litigation'' means the case styled Pueblo of San Ildefonso v. United States, Docket Number 354, originally filed with the Indian Claims Commission and pending in the United States Court of Federal Claims on the date of enactment of this Act.

(7) PUEBLO.—The term ''Pueblo'' means the Pueblo de San Ildefonso, a federally recognized Indian tribe (also known as the ''Pueblo of San Ildefonso'').

(8) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement entitled ''Settlement Agreement between the United States and the Pueblo de San Ildefonso to Resolve All of the Pueblo's Land Title and Trespass Claims'' and dated June 7, 2005.

(9) SETTLEMENT AREA LAND.—The term ''Settlement Area Land'' means the National Forest System land located within the Santa Fe National Forest, as described in Appendix B to the Settlement Agreement, that is available for purchase by the Pueblo under section 9(a) of the Settlement Agreement.

(10) SETTLEMENT FUND.—The term ''Settlement Fund'' means the Pueblo de San Ildefonso Land Claims Settlement Fund established by section 6.

(11) SISK ACT.—The term ''Sisk Act'' means Public Law 90–171 (commonly known as the ''Sisk Act'') (16 U.S.C. 484a).

(12) WATER SYSTEM LAND.—The term ''Water System Land'' means the federally-owned land located within the Santa Fe National Forest to be conveyed to the County under the Los Alamos Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to finally dispose, as set forth in sections 4 and 5, of all rights, claims, or demands that the Pueblo has asserted or could have asserted against the United States with respect to any and all claims in the Pending Litigation;

(2) to extinguish claims based on aboriginal title, Indian title, or recognized title, or any other title claims under section 5;

(3) to authorize the Pueblo to acquire the Settlement Area Land, and to authorize the Secretary of Agriculture to convey the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land for market value consideration, and for such consideration to be paid to the Secretary of Agriculture for the acquisition of replacement National Forest land elsewhere in New Mexico;

(4) to provide that the Settlement Area Land acquired by the Pueblo shall be held by the Secretary of the Interior in trust for the benefit of the Pueblo;

(5) to facilitate government-to-government relations between the United States and the Pueblo regarding cooperation in the management of certain land administered by the National Park Service and the Bureau of Land Management as described in sections 7 and 8 of the Settlement Agreement;

(6) to ratify the Settlement Agreement; and,

(7) to ratify the Los Alamos Agreement.

SEC. 3. RATIFICATION OF AGREEMENTS.

(a) RATIFICATION.—The Settlement Agreement and Los Alamos Agreement are ratified under Federal law, and the parties to those agreements are authorized to carry out the provisions of the agreements.

(b) CORRECTIONS AND MODIFICATIONS.—The respective parties to the Settlement Agreement and the Los Alamos Agreement are authorized, by mutual agreement, to correct errors in any legal description or maps, and to make minor modifications to those agreements.

SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.

(a) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the United States and the Pueblo shall execute and file with the United States Court of Federal Claims in the Pending Litigation a motion for entry of final judgment in accordance with section 5 of the Settlement Agreement.

(b) COMPENSATION.—Upon entry of the final judgment under subsection (a), $6,900,000 shall be paid into the Settlement Fund as compensation to the Pueblo in accordance with section 1304 of title 31, United States Code.

SEC. 5. RESOLUTION OF CLAIMS.

(a) EXTINGUISHMENTS.—Except as provided in subsection (b), in consideration of the benefits of the Settlement Agreement, and in recognition of the agreement of the Pueblo to the Settlement Agreement, all claims of the Pueblo against the United States (including any claim against an agency, officer, or instrumentality of the United States) are relinquished and extinguished, including—

(1) any claim to land based on aboriginal title, Indian title, or recognized title;

(2) any claim for damages or other judicial relief or for administrative remedies that were brought, or that were knowable and could have been brought, on or before the date of the Settlement Agreement;

(3) any claim relating to—

(A) any federally-administered land, including National Park System land, National Forest System land, Public land administered by the Bureau of Land Management, the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land; and

(B) any land owned by, or held for the benefit of, any Indian tribe other than the Pueblo; and

(4) any claim that was, or that could have been, asserted in the Pending Litigation.

(b) EXCEPTIONS.—Nothing in this Act or the Settlement Agreement shall in any way extinguish or otherwise impair—

(1) the title of record of the Pueblo to land held by or for the benefit of the Pueblo, as identified in Appendix D to the Settlement Agreement, on or before the date of enactment of this Act; and,

(2) the title of the Pueblo to the Pueblo de San Ildefonso Grant, including, as identified in Appendix D to the Settlement Agreement—

(A) the title found by the United States District Court for the District of New Mexico in the case styled United States v. Apodoca (Number 2031, equity: December 5, 1930) not to have been extinguished; and

(B) title to any land that has been reacquired by the Pueblo pursuant to the Act entitled ''An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes'', approved June 7, 1924 (43 Stat. 636, chapter 331);

(3) the water rights of the Pueblo appurtenant to the land described in paragraphs (1) and (2); and

(4) any rights of the Pueblo or a member of the Pueblo under Federal law relating to religious or cultural access to, and use of, Federal land.

(c) PREVIOUS EXTINGUISHMENTS UNIMPAIRED.—Nothing in this Act affects any prior extinguishments of rights or claims of the Pueblo which may have occurred by operation of law.

(d) BOUNDARIES AND TITLE UNAFFECTED.—

(1) BOUNDARIES.—Nothing in this Act affects the location of the boundaries of the Pueblo de San Ildefonso Grant.

(2) RIGHTS, TITLE, AND INTEREST.—Nothing in this Act affects, ratifies, or confirms the right, title, or interest of the Pueblo in the land held by, or for the benefit of, the Pueblo, including the land described in Appendix D of the Settlement Agreement.

SEC. 6. SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the ''Pueblo de San Ildefonso Land Claims Settlement Fund''.

(b) CONDITIONS.—Monies deposited in the Settlement Fund shall be subject to the following conditions:

(1) MAINTENANCE AND INVESTMENT.—The Settlement Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(2) USE OF FUNDS.—Subject to paragraph (3), monies deposited into the Settlement Fund shall be expended by the Pueblo—

(A) to acquire the federally administered Settlement Area Land;

(B) to pay for the acquisition of the Water System Land, as provided in the Los Alamos Agreement; and

(C) at the option of the Pueblo, to acquire other land.

(3) EFFECT OF WITHDRAWAL.—If the Pueblo withdraws monies from the Settlement Fund, neither the Secretary of the Interior nor the Secretary of the Treasury shall retain any oversight over, or liability for, the accounting, disbursement, or investment of the withdrawn funds.

(4) PER CAPITA DISTRIBUTION.—No portion of the funds in the Settlement Fund may be paid to Pueblo members on a per capita basis.

(5) ACQUISITION OF LAND.—The acquisition of land with funds from the Settlement Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring land for the benefit of the Pueblo under this Act.

(6) EFFECT OF OTHER LAWS.—The Act of October 19, 1973 (Public Law 93–134; 87 Stat. 466) and section 203 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4023) shall not apply to the Settlement Fund.

SEC. 7. LAND OWNERSHIP ADJUSTMENTS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Agriculture may sell the Settlement Area Land, Water System Land, and Los Alamos Townsite Land, on such terms and conditions as are agreed upon and described in the Settlement Agreement and the Los Alamos Agreement, including reservations for administrative access and other access as shown on Appendix B of the Settlement Agreement.

(2) EFFECT OF CLAIMS AND CAUSE OF ACTION.—Consideration for any land authorized for sale by the Secretary of Agriculture shall not be offset or reduced by any claim or cause of action by any party to whom the land is conveyed.

(b) CONSIDERATION.—The consideration to be paid for the Federal land authorized for sale in subsection (a) shall be—

(1) for the Settlement Area Land and Water System Land, the consideration agreed upon in the Settlement Agreement; and

(2) for the Los Alamos Townsite Land, the current market value based on an appraisal approved by the Forest Service as being in conformity with the latest edition of the Uniform Appraisal Standards for Federal Land Acquisitions.

(c) DISPOSITION OF RECEIPTS.—

(1) IN GENERAL.—All monies received by the Secretary of Agriculture from the sale of National Forest System land as authorized by this Act, including receipts from the Northern Tier Land, shall be deposited into the fund established in the Treasury of the United States pursuant to the Sisk Act and shall be available, without further appropriation, authorization, or administrative apportionment for the purchase of land by the Secretary of Agriculture for National Forest System purposes in the State of New Mexico, *and for associated administrative costs*.

(2) USE OF FUNDS.—Funds deposited in a Sisk Act fund pursuant to this Act shall not be subject to transfer or reprogramming for wildlands fire management or any other emergency purposes, or used to reimburse any other account.

(3) ACQUISITIONS OF LAND.—In expending funds to exercise its rights under the Settlement Agreement and the Los Alamos Agreement with respect to the acquisition of the Settlement Area Land, the County's acquisitions of the Water System Land, and the Northern Tier Land (if the Pueblo exercises an option to purchase the Northern Tier Land as provided in section 12(b)(2)(A), the Pueblo shall use only funds in the Settlement Fund and shall not augment those funds from any other source.

(d) VALID EXISTING RIGHTS AND RESERVATIONS.—

(1) IN GENERAL.—The Settlement Area Land acquired by the Pueblo shall be subject to all valid existing rights on the date of enactment of this Act, including rights of administrative access.

(2) WATER RIGHTS.—No water rights shall be conveyed by the United States.

(3) SPECIAL USE AUTHORIZATION.—

(A) IN GENERAL.—Nothing in this Act shall affect the validity of any special use authorization issued by the Forest Service within the Settlement Area Land, except that such authorizations shall not be renewed upon expiration.

(B) REASONABLE ACCESS.—For access to valid occupancies within the Settlement Area Land, the Pueblo and the Secretary of the Interior shall afford rights of reasonable access commensurate with that provided by the Secretary of Agriculture on or before the date of enactment of this Act.

(4) WATER SYSTEM LAND AND LOS ALAMOS TOWNSITE LAND.—The Water System Land and Los Alamos Townsite Land acquired by the County shall be subject to—

(A) all valid existing rights; and

(B) the rights reserved by the United States under the Los Alamos Agreement.

(5) PRIVATE LANDOWNERS.—

(A) IN GENERAL.—Upon acquisition by the Pueblo of the Settlement Area Land, the Secretary of the Interior, acting on behalf of the Pueblo and the United States, shall execute easements in accordance with any right reserved by the United States for the benefit of private landowners owning property that requires the use of Forest Development Road 416 (as in existence on the date of enactment of this Act) and other roads that may be necessary to provide legal access into the property of the landowners, as the property is used on the date of this Act.

(B) MAINTENANCE OF ROADS.—Neither the Pueblo nor the United States shall be required to maintain roads for the benefit of private landowners.

(C) EASEMENTS.—Easements shall be granted, without consideration, to private landowners only upon application of such landowners to the Secretary.

(e) FOREST DEVELOPMENT ROADS.—

(1) UNITED STATES RIGHT TO USE.—Subject to any right-of-way to use, cross, and recross a road, the United States shall reserve and have free and unrestricted rights to use, operate, maintain, and reconstruct (at the same level of development, as in existence on the date of the Settlement Agreement), those sections of Forest Development Roads 57, 442, 416, 416v, 445 and 445ca referenced in Appendix B of the Settlement Agreement for any and all public and administrative access and other Federal governmental purposes, including access by Federal employees, their agents, contractors, and assigns (including those holding Forest Service permits).

(2) CERTAIN ROADS.—Notwithstanding paragraph (1), the United States—

(A) may improve Forest Development Road 416v beyond the existing condition of that road to a high clearance standard road (level 2); and

(B) shall have unrestricted administrative access and non-motorized public trail access to the portion of Forest Development Road 442 depicted in Appendix B to the Settlement Agreement.

(f) PRIVATE MINING OPERATIONS.—

(1) COPAR PUMICE MINE.—The United States and the Pueblo shall allow the COPAR Pumice Mine to continue to operate as provided in the Contract For The Sale Of Mineral Materials dated May 4, 1994, and for COPAR to use portions of Forest Development Roads 57, 442, 416, and other designated roads within the area described in the contract, for the period of the contract and thereafter for a period necessary to reclaim the site.

(2) CONTINUING JURISDICTION.—

(A) ADMINISTRATION.—Continuing jurisdiction of the United States over the contract for the sale of mineral materials shall be administered by the Secretary of the Interior.

(B) EXPIRATION OF CONTRACT.—Upon expiration of the contract described in subparagraph (A), jurisdiction over reclamation shall be assumed by the Secretary of the Interior.

(3) EFFECT ON EXISTING RIGHTS.—Nothing in this Act limits or enhances the rights of COPAR under the Contract For The Sale Of Mineral Materials dated May 4, 1994.

SEC. 8. CONVEYANCES.

(a) AUTHORIZATION.—

(1) CONSIDERATION FROM PUEBLO.—Upon receipt of the consideration from the Pueblo for the Settlement Area Land and the Water System Land, the Secretary of Agriculture shall execute and deliver—

(A) to the Pueblo, a quitclaim deed to the Settlement Area Land; and

(B) to the County, a quitclaim deed to the Water System Land, reserving—

(i) a contingent remainder in the United States in trust for the benefit of the Pueblo in accordance with the Los Alamos Agreement; and

(ii) a right of access for the United States for the Pueblo for ceremonial and other cultural purposes.

(2) CONSIDERATION FROM COUNTY.—Upon receipt of the consideration from the County for all or a portion of the Los Alamos Townsite Land, the Secretary of Agriculture shall execute and deliver to the County a quitclaim deed to all or portions of such land, as appropriate.

(3) EXECUTION.—An easement or deed of conveyance by the Secretary of Agriculture under this Act shall be executed by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(b) AUTHORIZATION FOR PUEBLO TO CONVEY IN TRUST.—Upon receipt by the Pueblo of the quitclaim deed to the Settlement Land under subsection (a)(1), the Pueblo may quitclaim the Settlement Land to the United States, in trust for the Pueblo.

(c) ADEQUACY OF CONVEYANCE INSTRUMENTS.—Notwithstanding the status of the Federal land as public domain or acquired land, no instrument of conveyance other than a quitclaim deed shall be required to convey the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land under this Act.

(d) SURVEYS.—The Secretary of Agriculture is authorized to perform and approve any required cadastral survey.

(e) CONTRIBUTIONS.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the Secretary of Agriculture may accept and use contributions of cash or services from the Pueblo, other governmental entities, or other persons—

(1) to perform and complete required cadastral surveys for the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land, as described in the Settlement Agreement or the Los Alamos Agreement; and

(2) to carry out any other project or activity under—

(A) this Act;

(B) the Settlement Agreement; or

(C) the Los Alamos Agreement.

SEC. 9. TRUST STATUS AND NATIONAL FOREST BOUNDARIES.

(a) OPERATION OF LAW.—Without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior—

(1) on recording the quitclaim deed or deeds from the Pueblo to the United States in trust for the Pueblo under section 8(b) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs—

(A) the Settlement Area Land shall be held in trust by the United States for the benefit of the Pueblo; and

(B) the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Settlement Area Land; and

(2) on recording the quitclaim deed or deeds from the Secretary of Agriculture to the County of the Water System Land in the county land records, the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Water System Land.

(b) FUTURE INTERESTS.—If fee title to the Water System Land vests in the Pueblo by conveyance or operation of law, the Water System Land shall be deemed to be held in trust by the United States for the benefit of the Pueblo, without further administrative procedures or environmental or other analyses.

(c) NONINTERCOURSE ACT.—Any land conveyed to the Secretary of the Interior in trust for the Pueblo or any other tribe in accordance with this Act shall be—

(1) subject to the Act of June 30, 1834 (25 U.S.C. 177); and

(2) treated as reservation land.

SEC. 10. INTERIM MANAGEMENT.

Subject to valid existing rights, prior to the conveyance under section 9, the Secretary of Agriculture, with respect to the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land—

(1) shall not encumber or dispose of the land by sale, exchange, or special use authorization, in such a manner as to substantially reduce the market value of the land;

(2) shall take any action that the Secretary determines to be necessary or desirable—

(A) to protect the land from fire, disease, or insect infestation; or

(B) to protect lives or property; and

(3) may, in consultation with the Pueblo or the County, as appropriate, authorize a special use of the Settlement Area Land, not to exceed 1 year in duration.

SEC. 11. WITHDRAWAL.

Subject to valid existing rights, the land referenced in the notices of withdrawal of land in New Mexico (67 Fed. Reg. 7193; 68 Fed. Reg. 75628) is withdrawn from all location, entry, and patent under the public land laws and mining and mineral leasing laws of the United States, including geothermal leasing laws.

SEC. 12. CONVEYANCE OF THE NORTHERN TIER LAND.

(a) CONVEYANCE AUTHORIZATION.—

(1) IN GENERAL.—Subject to valid existing rights, including reservations in the United States and any right under this section, the Secretary of Agriculture shall sell the Northern Tier Land on such terms and conditions as the Secretary may prescribe as being in the public interest and in accordance with this section.

(2) EFFECT OF PARAGRAPH.—The authorization under paragraph (1) is solely for the purpose of consolidating Federal and non-Federal land to increase management efficiency and is not in settlement or compromise of any claim of title by any Pueblo, Indian tribe, or other entity.

(b) RIGHTS OF REFUSAL.—

(1) PUEBLO OF SANTA CLARA.—

(A) IN GENERAL.—In consideration for an easement under subsection (e)(2), the Pueblo of Santa Clara shall have an exclusive option to purchase the Northern Tier Land for the period beginning on the date of enactment of this Act and ending 90 days thereafter.

(B) RESOLUTION.—Within the period prescribed in subparagraph (A), the Pueblo of

Santa Clara may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture, a resolution of the Santa Clara Tribal Council expressing the unqualified intent of the Pueblo of Santa Clara to purchase the land at the offered price.

(C) FAILURE TO ACT.—If the Pueblo of Santa Clara does not exercise its option to purchase the Northern Tier Land within the 90-day period under subparagraph (A), or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised, the Secretary of Agriculture shall offer the Northern Tier Land for sale to the Pueblo.

(2) OFFER TO PUEBLO.—

(A) IN GENERAL.—Not later than 90 days after receiving a written offer from the Secretary of Agriculture under paragraph (1)(C), the Pueblo may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, a resolution of the Pueblo Tribal Council expressing the unqualified intent of the Pueblo to purchase the land at the offered price.

(B) FAILURE OF PUEBLO TO ACT.—If the Pueblo fails to exercise its option to purchase the Northern Tier Land within 90 days after receiving an offer from the Secretary of Agriculture, or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised under subparagraph (A), the Secretary of Agriculture may sell or exchange the land to any third party in such manner and on such terms and conditions as the Secretary determines to be in the public interest, including by a competitive process.

(3) EXTENSION OF TIME PERIOD.—The Secretary of Agriculture may extend the time period for closing beyond the 1 year prescribed in subsection (b), if the Secretary determines that additional time is required to meet the administrative processing requirements of the Federal Government, or for other reasons beyond the control of either party.

(c) TERMS AND CONDITIONS OF SALE.—

(1) PURCHASE PRICE.—Subject to valid existing rights and reservations, the purchase price for the Northern Tier Land sold to the Pueblo of Santa Clara or the Pueblo under subsection (b) shall be the consideration agreed to by the Pueblo of Santa Clara pursuant to that certain Pueblo of Santa Clara Tribal Council Resolution No. 05–01 ''Approving Proposed San Ildefonso Claims Settlement Act of 2005, and Terms for Purchase of Northern Tier Lands'' that was signed by Governor J. Bruce Tafoya in January 2005.

(2) RESERVED RIGHTS.—On the Northern Tier Land, the United States shall reserve the right to operate, maintain, reconstruct (at standards in existence on the date of the Settlement Agreement), replace, and use the stream gauge, and to have unrestricted administrative access over the associated roads to the gauge (as depicted in Appendix B of the Settlement Agreement).

(3) CONVEYANCE BY QUITCLAIM DEED.—The conveyance of the Northern Tier Land shall be by quitclaim deed executed on behalf of the United States by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(d) TRUST STATUS AND FOREST BOUNDARIES.—

(1) ACQUISITION OF LAND BY INDIAN TRIBE.—If the Northern Tier Land is acquired by an Indian tribe (including a Pueblo tribe), the land may be reconveyed by quitclaim deed or deeds back to the United States to be held in trust by the Secretary of the Interior for the benefit of the tribe, and the Secretary of the Interior shall accept the conveyance without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior.

(2) LAND HELD IN TRUST.—On recording a quitclaim deed described in paragraph (1) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs, the Northern Tier Land shall be deemed to be held in trust by the United States for the benefit of the Indian tribe.

(3) BOUNDARIES OF SANTA FE NATIONAL FOREST.—Effective on the date of a deed described in paragraph (1), the boundaries of the Santa Fe National Forest shall be deemed modified to exclude from the National Forest System the land conveyed by the deed.

(e) INHOLDER AND ADMINISTRATIVE ACCESS.—

(1) FAILURE OF PUEBLO OF SANTA CLARA TO ACT.—

(A) IN GENERAL.—If the Pueblo of Santa Clara does not exercise its option to acquire the Northern Tier Land, the Secretary of Agriculture or the Secretary of the Interior, as appropriate, shall by deed reservations or grants on land under their respective jurisdiction provide for inholder and public access across the Northern Tier Land in order to provide reasonable ingress and egress to private and Federal land as shown in Appendix B of the Settlement Agreement.

(B) ADMINISTRATION OF RESERVATIONS.—The Secretary of the Interior shall administer any such reservations on land acquired by any Indian tribe.

(2) EFFECT OF ACCEPTANCE.—If the Pueblo of Santa Clara exercises its option to acquire all of the Northern Tier Land, the following shall apply:

(A) EASEMENTS TO UNITED STATES.—

(i) DEFINITION OF ADMINISTRATIVE ACCESS.—In this subparagraph, the term ''administrative access'' means access to Federal land by Federal employees acting in the course of their official capacities in carrying out activities on Federal land authorized by law or regulation, and by agents and contractors of Federal agencies who have been engaged to perform services necessary or desirable for fire management and the health of forest resources, including the cutting and removal of vegetation, and for the health and safety of persons on the Federal land.

(ii) EASEMENTS.—

(I) IN GENERAL.—The Pueblo of Santa Clara shall grant and convey at closing perpetual easements over the existing roads to the United States that are acceptable to the Secretary of Agriculture for administrative access over the Santa Clara Reservation Highway 601 (the Puye Road), from its intersection with New Mexico State Highway 30, westerly to its intersection with the Sawyer Canyon Road (also known as Forest Development Road 445), thence southwesterly on the Sawyer Canyon Road to the point at which it exits the Santa Clara Reservation.

(II) MAINTENANCE OF ROADWAY.—An easement under this subparagraph shall provide that the United States shall be obligated to contribute to maintenance of the roadway commensurate with actual use.

(B) EASEMENTS TO PRIVATE LANDOWNERS.—Not later than 180 days after the date of enactment of this Act, the Pueblo of Santa Clara, in consultation with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

(3) APPROVAL.—The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

(4) ADEQUATE ACCESS PROVIDED BY PUEBLO OF SANTA CLARA.—If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 7(e)(5); but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

SEC. 13. INTER-PUEBLO COOPERATION.

(a) DEMARCATION OF BOUNDARY.—The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

(b) ACTION BY SECRETARY OF THE INTERIOR.—In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

SEC. 14. DISTRIBUTION OF FUNDS PLAN.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the compromise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660–87L, United States Court of Federal Claims.

SEC. 15. RULE OF CONSTRUCTION AND JUDICIAL REVIEW.

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

SEC. 16. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SEC. 17. TIMING OF ACTIONS.

It is the intent of Congress that the land conveyances and adjustments contemplated in this Act *(except the conveyances and adjustments relating to Los Alamos Townsite Land)* shall be completed not later than 180 days after the date of enactment of this Act.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as are necessary to carry out this Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee-reported amendments were agreed to.

The bill (S. 1773), as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 357.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 357) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent 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 concurrent resolution (H. Con. Res. 357) was agreed to.

The preamble was agreed to.

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. on Thursday, May 25. I further ask 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 then resume consideration of S. 2611, as under the previous order.

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

PROGRAM

Mr. FRIST. Mr. President, in the morning we will work toward passage of the immigration bill. We have our final amendment list lined up. We will likely debate the amendments and stack them together very early in the afternoon. I do anticipate passage of the bill by early afternoon following those votes.

Following passage of this comprehensive immigration bill, we will proceed to the cloture vote on the Kavanaugh nomination. I filed cloture the night before last. We are attempting to reach a time agreement on the Hayden nomination. I feel strongly we need to complete action on the Hayden nomination before we leave. It is an important position, General Hayden being the right man for this position at a very important time in our history. We also have the Portman nomination for OMB and the Schwab nomination at the USTR to clear this week, as well. It is my goal to reach an agreement with the other side of the aisle as to when we might be able to bring him to the Senate.

Finally, I mention that I filed a cloture motion on the nomination of our former colleague, Dirk Kempthorne, to be Secretary of the Interior. I have tried over the course of the day, to no avail, to be able to bring that to a vote and was unable to do so with an objection on the other side of the aisle. I have filed cloture tonight. This vote will occur on Friday.

We end Wednesday, at a late hour, having had a very productive day today, very productive day yesterday, really, this whole week. I appreciate the collegial approach our colleagues have taken in allowing amendments to come forward, to be debated, thoroughly debated, discussed and voted upon. We set out on this immigration bill well over a month ago. We had a hiatus over the recess, came back and in a very bipartisan spirit had an agreement to proceed to consider votes with these amendments and have the votes taken.

We have had huge progress. The debate has been very good. Everyone has participated in that debate. Everyone has had the opportunity to submit amendments and have them debated.

With that, we have progressed in our understanding of both the importance of this bill but also the importance of having a comprehensive solution to the challenges we face, with 12 million people here illegally, the need, absolute necessity of having a strong temporary worker program in this country for economic reasons and employment reasons and then, first and foremost, sealing our borders, locking down our borders in the sense we can have legal immigration and not illegal immigration coming across at ports of entry.

I have been very pleased with the debate. It has been very tough, very challenging, for a number of our Members. There is no consensus in the sense that everyone has gotten exactly what they wanted, but I will be absolutely satisfied with this bill as a reflection of the will of 100 Senators, the will of this Senate after this very long time in the Senate but very good and productive time where so many amendments have been considered.

We will complete the bill tomorrow. I expect the bill to pass tomorrow. I can't predict what the final outcome will be, but I think it will reflect this very open, free, deliberate process we have seen over the last several weeks.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

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

There being no objection, the Senate, at 10:15 p.m., adjourned until Thursday, May 25, 2006, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2006:

DEPARTMENT OF VETERANS AFFAIRS

PATRICK W. DUNNE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE CLAUDE M. KICKLIGHTER, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be commander

PHILIP A GRUCCIO
RICHARD R WINGROVE
RANDALL J TEBEEST
JOHN J ADLER
MICHAEL S WEAVER
ANNE K LYNCH
KARL F MANGELS
ANITA L LOPEZ
JEFFREY C HAGAN
JOHN K LONGENECKER

To be lieutenant commander

JULIE V HELMERS
MARK A WETZLER
KURT A ZEGOWITZ
TIMOTHY J GALLAGHER
JOE C BISHOP
NATHAN H HANCOCK
PETER V SIEGEL
DEMIAN A BAILEY
MICHAEL F ELLIS
NANCY L ASH
ELIZABETH I JONES
ARTHUR J STARK, JR
THOMAS J PELTZER

To be lieutenant

PAUL W KEMP
KATHERINE R PEET
MICHAEL G LEVINE
BRYAN R WAGONSELLER
ALLISON B MELICHAREK
EARL M SPENCER
JEFFREY D SHOUP
HECTOR L CASANOVA
AMANDA M BITTINGER
NICOLE M MANNING
ERIC T JOHNSON
JASPER D SCHAER
JESSICA E DAUM
AMANDA M MIDDLEMISS
NATASHA R DAVIS
LUKE J SPENCE
JOHN J LOMNICKY
LUNDY E PIXTON

To be lieutenant (junior grade)

SAMUEL F GREENAWAY
TRACY L HAMBURGER
MICHAEL O GONSALVES
OLIVIA A HAUSER
DANIEL E ORR
REBECCA J ALMEIDA
TONY III PERRY
JONATHAN R FRENCH
AMY B COX
PAUL S HEMMICK
MATTHEW J JASKOSKI
STEPHEN C KUZIRIAN
LINDSEY M VANDENBERG
MADELEINE M ADLER
CAROL N ARSENAULT
JAMES L BRINKLEY
JOHN E CHRISTENSEN
SEAN M FINNEY
LAUREL K JENNINGS
GUINEVERE R LEWIS
ALLISON R MARTIN
JASON R SAXE
PAUL M SMIDANSKY
DAVID A STRAUSZ
REBECCA J WADDINGTON
JAMIE S WASSER