



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, SECOND SESSION

Vol. 152

WASHINGTON, MONDAY, MAY 15, 2006

No. 59

Senate

The Senate met at 2:05 p.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

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

Let us pray.

O, maker of the seas and the Earth, speak to our hearts. Teach us to cling to the things that endure beyond time. When we are tempted to doubt, remind us of Your unfailing precepts. Sustain our lawmakers today in their important work. Help them to sacrifice and not to count the cost; to toil and not to seek for rest; to strive and not to ask for any reward except that of knowing they are doing Your will.

Use them today to do all the good they can for as many as they can for the honor of Your Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CORNYN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon we begin consideration of S. 2611, a comprehensive immigration measure. Chairman SPECTER is here today to manage amendments to the bill. We have several Senators on this side of the aisle who have indicated they are prepared to pose their amendments during today's session. I encourage Members to come forward and bring their amendments to the managers just as soon as possible so that we will be able to consider them. Exactly how we handle amendments over the course of the afternoon, the Democratic leader and I and the chairman and managers will be discussing in a few minutes. We do expect a full session on the immigration bill today.

On Tuesday we have an order to have a rollcall vote at shortly after 10 o'clock on the confirmation of a circuit court nomination. I expect after that we would have some other votes that could be stacked and voted upon before our policy luncheons.

I do want to say, once again, that we need Senators to offer their amendments, to give us language on their amendments just as soon as possible. The debate itself will be fair, will be dignified. We have all agreed we want to be able to dispose of these amendments in a way that allows time for effective debate, whatever time is necessary for a debate, but that we would expect to be voting about every 2 hours—and that could go to 3 hours on some and could go to 10 minutes on others. But in order to consider the

range and number of amendments that have been proposed, we do need people to come forward and we will deal with those accordingly.

This is an important bill. It is a bill that we have talked a lot about on the floor for a couple of weeks already. There has been much good discussion, both on and off the Senate floor. I think everybody has spent a lot more time with the bill and with the proposed amendments. Thus, I think we should be able to address the issue in a careful, deliberate way, a complete way, and finish this bill before Memorial Day.

It is an important bill. It is an important bill to our national security. It is an important bill to our values, to our economy, and to our safety.

I have a brief statement to make on another topic, but I turn to the Democratic leader, if there is any comment on scheduling, of course.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

IMMIGRATION

Mr. REID. Mr. President, very briefly, we have in this most important debate two veterans of the Senate, to say the least, Senators SPECTER and LEAHY, who will be managing this bill. I agree with the distinguished majority leader. This debate should be dignified. People have very strong feelings about issues. I look forward to some very pronounced debate and voting.

We have had a lot of talk about the need to do immigration. Now is the opportunity to see what we can do. I met with my staff today, and I asked them to prioritize our amendments. We worked through some of those, which ones we want to offer first, second, third. I am sure that has been done on

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



Printed on recycled paper.

S4529

the majority side also. So I hope with Senator SPECTER and Senator LEAHY leading the charge that we can move forward very quickly.

Mr. FRIST. Mr. President, I am going to make a few comments on a separate issue. Then we will come straight back to the immigration bill and how we can best handle the debate over the course of today.

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

NATIONAL PEACE OFFICERS MEMORIAL SERVICE

Mr. FRIST. Mr. President, as I speak, on the west front of the Capitol Building we are observing the 25th National Peace Officers Memorial Service. Tribute is being paid to the 155 peace officers who lost their lives in the line of duty last year. The President spoke there moments ago, and is still there expressing his sympathy to the families who have lost loved ones.

It is always, each year, a solemn occasion. It is a sacred occasion. It reminds us of the huge sacrifices our law enforcement makes day in and day out on our behalf in our communities all across the country. Every day around the clock America's peace officers are on the front lines, protecting our lives, our homes, and our freedoms. On the front line, when we need someone to investigate a dark alley or quell a domestic dispute or subdue a criminal, it is these dedicated professionals who answer that call, who answer that need. Each time they take a risk, and they never know if that risk will be the last call they will make.

On August 8, 2005, when Tennessee Correctional Officer Wayne Thomas Morgan got ready for work, he couldn't know that it would be his last morning to say goodbye. At 10 a.m., during a routine prisoner transfer at the Roane County Courthouse, he was shot and killed. Prison nurse Jennifer Hyatte ambushed him as he and another guard escorted her husband, George Hyatte, from the courthouse to a prison van. From behind the wheel of her SUV, Jennifer drove into the parking lot, shot Officer Morgan three times, and fled the scene, escaping with her husband in the car.

The couple were arrested 36 hours later in Ohio. They now face trial on murder charges scheduled for later this year. It was an outrageous crime that shocked the Nation and shocked the close-knit Kingston community.

A deacon and choir member of the Meadowview Baptist Church, Officer Morgan was well known and much loved throughout his community. His funeral was attended by over 1,000 people, including law enforcement officers from seven States and Canada.

Bradley County Chief Deputy Bill Griffith said Officer Morgan's death "reminds those of us in law enforcement that we put our lives on the line every day."

Today, we echo those words as we pay tribute to our fallen heroes.

I would like to take just a moment to recognize Tennessee's own who gave the ultimate sacrifice in the line of duty last year: Officer Michael Keith Buckner, who served the Decherd Police Department and was killed in an automobile accident while returning from an investigation in a severe snowstorm. He is survived by his wife and daughter.

Trooper Todd Michael Larkins, who served with the Tennessee Highway Patrol for 5 years, was struck and killed by a tractor trailer while conducting a vehicle stop. He is survived by his wife and daughter.

Correctional Officer Wayne Thomas Morgan, who served with the Tennessee Department of Correction for 28 years, is survived by his wife, son, and daughter.

And Officer Kay Frances Rogers, a 15-year veteran who served with the Murfreesboro Police Department for 4 of those years, died of injuries sustained in a motorcycle accident. She is survived by her mother, three brothers, and three sisters.

Our hearts go out to these families, to friends and colleagues. And we bow our heads in recognition of their dedication, their sacrifice, and their courage.

As a Senator and an American citizen, I pledge to keep working on behalf of our Nation's peace officers.

In 2004, I cosponsored the Law Enforcement Safety Act, which the President signed into law. This legislation was the No. 1 priority for our Nation's law enforcement community. It is now law of the land. It allows current retired police officers to carry a concealed weapon in any of the 50 States. America now has the added security of tens of thousands of trained and certified law enforcement officers serving and protecting us across the country even into retirement.

There are more than 800,000 law enforcement officers serving communities all across America, the highest number ever.

Each of these officers is a hero. And each of these officers has a family who deserves our appreciation and gratitude for their service.

May God bless the brave women and men who swear to protect and serve us.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 2611, 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.

Mr. REID. Mr. President, this is summertime. It is the time that we see the rolling out of American blockbuster movies. They also try to save their best for the summer. This summer's blockbuster is "The Da Vinci Code," starring Tom Hanks. It starts this Friday all across America. But the third week in May on the Senate floor we have our own Senate blockbuster. It is the sequel though, not the original, part 2 of immigration. The first installment didn't go well for a number of reasons. One of the reasons I felt it didn't go well was the fact that the President wasn't involved personally in it. He wasn't involved in the debate.

For the first installment, I think the Judiciary Committee did very well. They were working on a very tight timeframe. There probably should have been more hearings. That is one reason there were probably more amendments than we would normally have on a bill. But I think Senators Leahy and Specter did an outstanding job to work out the bipartisan compromise—what we call the McCain-Kennedy legislation. It is a bill we tried to deal with on the floor. It didn't move forward for a number of reasons, one of which is the fact we couldn't work out a procedural mechanism to go forward. We tried. We had two cloture votes. All the Democrats voted to go forward with this; all the Republicans voted not to go forward with the legislation.

What did that legislation have in it? Both the McCain-Kennedy and the so-called Hagel-Martinez substitute. They have in them provisions that I think are so important to this country.

First, our border security.

I was in the Congress 20 years ago and served in the House of Representatives when we passed an immigration bill. Obviously, we didn't do a very good job. Twenty years later, we have at least 12 million people who are here that are undocumented.

With this legislation, which is so important, we do good, sound, long-term border security.

We also have to have a temporary worker program. There could be a number of amendments offered on this legislation. But we have to have a temporary worker program. I have said on a number of occasions that Las Vegas is a perfect example of why we need a temporary worker program. In the next 4 or 5 years, they will have 50,000 new hotel rooms. Management and the union say they cannot find the workers to man those hotels. So we need a temporary guest worker program.

I have mentioned we have 12 million people who are now living in the shadows. We have to have a way of bringing them out of the shadows. The McCain-Kennedy legislation sets the framework for doing that. How? By putting them on path of legalization—a path that would require their having jobs, paying taxes, staying out of trouble, no

crimes, learning English, paying some penalty. Then they move to the back of the line. It will take a long time for them to get to the front of the line, but at least they can come out of the shadows and not be worried about being picked up for a violation of some kind, with their American husbands and wives and their children. We need to do that.

Finally, we have to have in a good immigration bill something to make meaningful employer sanctions. That is why I support the legislation now before the Senate.

Of course, I am going to vote for some amendments. I think some improvements can be made.

We are now on the sequel of what took place before the Easter vacation. Yes, the sequel.

I hope the President will take a leading role in this sequel, a role on this rerun. But his role is up to him. It is up to him. His role starts tonight in a speech that he is going to give to the Nation. We have had preliminary statements as to what this speech is going to be. We understand that one of the things he is going to talk about is bringing out the National Guard.

I believe in strong border security. If there is a way we can work out the National Guard situation, fine. I am willing to go along with that. But my colleague, Senator HAGEL, has said he believes that the National Guard is stretched too thin. My colleague, Senator BIDEN, said the same thing. He said it both yesterday and on Sunday talk shows. Some National Guardsmen have had four tours of duty in Iraq.

I hope we can come up with something that is meaningful.

Governor Napolitano and Governor Richardson of Arizona and New Mexico have stated on a number of occasions over the last many months they believe the National Guard should be called out. The problem is they need some way of financing this. This is a Federal obligation. The States shouldn't have to bear it.

I hope the President will address that.

The President must be specific. We must have permanent solutions—not stopgap measures for our border security.

The President's role in this sequel, "Immigration No. 2," is up to him. I would be the first to give him a leading role. We need him. We didn't have him involved in the first immigration debate. He came in and started saying things after the votes had already taken place.

I hope the President is willing to stand up and be counted on this issue.

I have some questions for the President. The first question is very basic. We need to know what kind of immigration reform he supports.

Does he believe, as his Republicans in the House do, that we should build a 700-mile fence on our border? He must take a stand in that regard.

Does he believe, as his Republican colleagues in the House do, that we

should make all undocumented immigrants felons?

Does the President believe, as his Republicans in the House believe, that we should make all those who feed, clothe, and otherwise assist undocumented immigrants felons—also, people such as priests, ministers, missionaries, social workers, and welfare personnel?

He must speak out on these very unfavorable provisions in the House bill.

Two weeks ago, I had the opportunity to spend some time in my office with Cardinal McCarrick and Cardinal Mahony, two wonderful, caring, spiritual men.

Under the House legislation, Cardinal Mahony would be a felon.

Here is what Cardinal Mahony said about the bill:

The whole concept of punishing people who serve immigrants is un-American. If you take this to its logical, ludicrous extreme, every single person who comes up to receive Holy Communion, you have to ask them to show papers. It becomes absurd and the church is not about to get into that. The church is here to serve people. We're not about to become immigration agents. It just throws more gasoline on the discussion and inflames people.

I believe the Senate will move forward with good, strong immigration reform. But I also believe our work could be hijacked by House Republicans who want to turn immigrants into felons.

I have fought to prevent this from happening by guaranteeing fair representation in the conference committee. The President can do even more tonight.

Chairman SENSENBRENNER, the chairman of the House Judiciary Committee, the man who among others pushed this felony provision, stated publicly that the measure was included at the "administration's request." If that is the case, President Bush needs to tell Chairman SENSENBRENNER to remove the provision and that it is dead.

The President needs to make it clear once and for all that he will only support immigration reform that is tough and smart. He must publicly denounce the House bill.

The second question for President Bush concerns security. It is fine to hear him say that he wants to send the National Guard, but what else will he do to address 4½ years of neglect?

We all remember. We were celebrating the fact that one of the first things he did after becoming President was going to Mexico and saying he was going to work out the immigration problems with President Fox. It hasn't worked. This issue has been ignored for 5½ years.

Tonight, it is not enough for the President to tell us he wants to increase security at our borders. After all, I repeat, he has had 5½ years to do this. If he wants to be credible on border security, he must acknowledge the mistakes in the past and commit to fixing them.

The lack of security at our borders is frightening. Apprehensions of undocumented immigrants have dropped

under President Bush by 30 percent. We have gone from apprehending 1.7 million individuals illegally crossing between 1996 and 2000 to just over 1 million now.

It is not that less people are coming. It is that we don't have the resources we need to catch them.

A month ago, I was on the border. I saw some of the problems which the overworked Border Patrol agents face. At San Ysidro, it is hard to comprehend, but there are 24 lanes of traffic coming into the United States 24 hours a day, 7 days a week—24 lanes of traffic one way.

They are understaffed and underresourced. They simply can't handle it. It can be handled, but they need the resources to do it.

But it is more than people whom we can't catch coming across our borders. We can't forget that a few weeks ago the Government Accountability Office reported that in March they detailed how two Federal investigators were able to smuggle into our country nuclear material. This shocking report is an indictment of what has happened on our borders. For too long this administration has neglected its responsibility for protecting our homeland, including our border.

The 9/11 Commission told the President that he should work with other countries to develop a terrorist watch list which Border Patrol agents could use to check people crossing the border. Did he do it? No.

The 9/11 Commission gave him a failing grade when they issued their report card last year—a "D."

In the 9/11 legislation which we passed to help secure our country, Congress authorized 2,000 new Border Patrol agents.

What did the President of the United States do to put these 2,000 agents in place? Well, he did 75 percent of it. We are still 500 agents short. The President watched as the Republicans in Congress have refused to fund these positions even though we have tried.

The same legislation, the September 11 act, authorized facilities to hold up to 8,000 individuals detained while illegally crossing our border. Currently, we do not have the capacity to hold all those we detain, so they are most often released with a court date. They then disappear into our country. Over the weekend, there were news stories about tens of thousands coming into our country illegally. They are detained. Then we say: See you later, check in for court. Of course, they never come to court. Rarely do they come to court. Why do the authorities let them go? They have no place to put them. Did the President make sure the new 8,000 detention bed facilities became a reality? No. He has allowed the Congress to fund only 1,800 of these new detention beds. No wonder the border agents have no alternative but to let them go.

All this adds up to a credibility gap. It is no wonder the President got a failing grade, a D. He is coming late to

this sequel. He did not appear at all in immigration I. Let's hope he appears in immigration II and answers some of these questions.

It is not enough for him to unveil a proposal to use our National Guard. We need more. He must commit to fixing the problems that have been neglected and tell us when he will add additional agents. Congress calls for 2,000 agents; we are 500 short. It is not right that Congress passes laws saying we need 8,000 additional beds for the people coming to our country illegally and we get 1,800. He must commit to fixing the problem. These problems have been neglected. He needs to tell us when we will be getting the necessary authorized agents.

The States have had to bear the expense of holding these people. That should be defrayed by the Federal Government. This is not the State's border, it is the U.S. border. We must implement the recommendations of the 9/11 Commission.

Question No. 3: If President Bush is going to get tough on border security, will he finally get tough on border sanctions as well?

This is a question of credibility. For years, this administration has been willing to look the other way as immigration laws have gone unenforced. In 2004, the Government issued just three notices of intent to fine employers. There are tens of thousands of employers, and most of us believe that lots of them have violated the law with improper papers. There were just three notices of intent in 2004. No one was fined. In 2005, the administration targeted only one employer for an enforcement action. That was Wal-Mart. Overall audits of employers suspected of using illegal immigrants have dropped from 8,000 under President Clinton to less than 2,000 in 2003. President Bush must account for this record. He must do it in tonight's speech.

Question No. 4: If, as rumored, the President will announce he is going to send the National Guard to our border, will he tell the American people how this proposal will work without jeopardizing the critical role the National Guard plays in keeping our communities and Nation safe?

Our National Guard is a vital force on which all of us—Presidents, Governors, mayors, and Members of Congress—depend. Unfortunately, President Bush has overtaxed, overused, and underfunded this critical national security resource. The men and women of our Guard have given us their best in Iraq, Afghanistan, and around the world. They have given their best on the gulf coast. They have given their best in Nevada and other States across America, whether it is fires, floods, hurricanes, or civil unrest.

Now, if it is true that the President is going to order them on another mission, he must tell us how he will help them succeed and ensure they are ready and prepared should they be called to another mission—our border.

It is remarkable that in January, this White House submitted a budget to Congress calling to cut 17,000 guardsmen. Yet now he is asking them to do more with less. Tonight, in clear and consistent terms, we need to hear how they will be used, how they will be supported, how they will prepare and be ready for the unexpected missions.

Remember, all the preliminaries coming out from the White House say that it is going to be a temporary fix. I am for doing anything we can to protect our borders, within reason, but we must do it on a permanent basis, not a temporary basis. We have been told this Guard thing is a stop-gap measure.

These are just four questions. There are a lot of other questions we could ask, but these are questions on which I will judge the President tonight, as I believe the American people will. His answers will tell if he is committed to comprehensive reform and if he is finally serious about securing our borders. As I said, today marks the beginning of immigration part II. Scene I closes tonight with the President's speech, leaving many more scenes to play in the Senate, but the President must be a player, an actor, not a spectator, in all the processes of this debate, not just the first act.

The bill before the Senate is not perfect. I like McCain-Kennedy better than I like the substitute, the Hagel-Martinez bill. There will be amendments to consider and to work their way through the Senate.

For example, it is important we pass a bill and go on record supporting the concept of immigration reform, our enforcement-plus-reform approach, and opposing the House punitive enforcement-only bill. I have made it clear that I will support the Hagel-Martinez compromise but with some amendments. We will be well advised to take a look at some of the provisions in that bill to see if they should be amended. There are Members from both sides with good intentions who want to offer amendments, and they should do that. I voted to move forward on Hagel-Martinez before the Easter recess, with germane amendments being available postcloture. That did not work.

However, we are here now. The compromise we have is not perfect. Among other problems with the bill, I particularly wish to highlight my concern with the division of the population of 11 to 12 million undocumented immigrants that is in this legislation.

Under the Hagel-Martinez bill, we have three groups. The middle group of immigrants who have been here between 2 and 5 years will be required to do what I have heard some refer to as the "touch back" or "touch base" return. They have to cross the border at a port of entry then they can come right back. I personally think that is a big waste of time, effort, and energy, but that is what is in that legislation. There will be amendments offered on that, and unless there is something I don't understand, I would support the

amendment to change that provision. It does not make sense to me. I fear that it may deter participation in the program because some immigrants fear they will not be allowed to return or will be fined, or it is too much of a hardship with regard to their financial or childcare responsibilities to be able to make that trip. There is a waiver in it, but it is very difficult to obtain.

I repeat, this provision is a waste of time, energy, and effort. I know there will be an amendment offered to take that out.

More importantly, this bill includes some mean-spirited provisions for this group that strike me as unwise as a matter of public policy. They have to waive their right to administrative or judicial review, which means they have no right to contest the decision of some bureaucrat who for whatever reason decides they do not meet the requirement to participate in this legalization program. This sounds like a big problem to me.

In addition, many tens of thousands of people in this group will be ineligible for the program because they had a prior deportation order and failed to leave the country under a voluntary departure agreement or—this is particularly disturbing—they failed to comply with any request for information by the Department of Homeland Security.

The whole point of what we are doing is to deal with this population which is here under the table, for lack of a better description. They are here. They came here illegally, and there has been a decision made—and some people disagree with this, but we cannot simply deport all of these people. So we want to put them on a path to legalization. I repeat, jobs, taxes, no crimes, learn English, pay penalties. Most people believe that is the right thing to do. And in the future, have a better hold on our border and make sure we do not have problems in the future. This is what we need to do.

I don't see why we should make a distinction between those who have been unlucky enough to get caught and put through deportation proceedings and those who have not.

As far as those who have been here less than 2 years, we have to draw a cutoff line somewhere, but I am concerned, as the bill stands, this will simply lead to a situation where a couple million people will not leave the country and will simply remain here undocumented. That is unfortunate. I hope we can make improvements in the bill to address this group of people as well.

We have so much to do. I hope we can make some fixes to these sections so we can get as many people as possible out of the shadows, registered with the Government, paying taxes, learning English, staying out of trouble, and complying with the law generally.

I look forward to this bipartisan debate. I hope it is that. There are strong feelings, but this is when the Senate is

at its best. This is a debate which needs to take place. People have the ability to offer their amendments, debate those amendments, and move this legislation along. Democrats and Republicans are working together to construct legislation to protect our borders. It is so important we do this. I look forward to this debate. As I have indicated, we can do this. We must have this bipartisan measure move forward. The American people recognize the importance of it. It is important for our country.

In the Senate now, we have the distinguished chairman of the Judiciary Committee. He and I have not always agreed on matters. More often we have agreed than disagreed, but I want the record spread with my view on the remarkably good job under a very difficult situation that this experienced legislator has done during his tenure as chairman of the Judiciary Committee. We have been able to work our way through the most difficult issues.

I don't serve on the Judiciary Committee. Never have. I did in the State legislature. All difficult measures that are around come through the Judiciary Committee. They are funneled through the Judiciary Committee. That is the way it was in the State legislature, and we find the same here. Contentious issues find their way into the Judiciary Committee. Senator SPECTER has done a tremendously good job.

As I indicated in my opening remarks, what he and Senator LEAHY were able to do to get this bill to this point was a miracle. It was nothing short of a miracle to get the bill out of the committee in the first place and then to get it in the Senate. I hope, in the not-too-distant future, we can all look back and say this is one of the times the Senate has shown what the Senate is known for, and that is working its way through very difficult issues and having debates the country will long remember.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the distinguished Democratic leader for his comments, and I thank him for his statements today suggesting a bipartisan approach to this very important piece of legislation.

The leader of the Democrats is accurate when he has characterized the work which Senator LEAHY, the ranking member of the full committee, and I have done on this bill. It has been 16 months of cooperation on some of the tough issues, including moving ahead with bankruptcy reform, class action reform. Through very strenuous efforts, we were able to steer this Senate away from a confrontation and a filibuster in the so-called constitutional option. We moved through the confirmation of two Supreme Court Justices, Chief Justice Roberts and Justice Alito, which could have been very problematic.

We were able to work through the PATRIOT Act. We were able to work

through the asbestos reform bill where there are still issues of controversy that I hope we will be able to address in the not too distant future. And then, as the distinguished leader of the Democrats commented, moving this immigration bill out of committee was a very strenuous effort on the final Monday, with a marathon session.

Now the bill is back in the Senate, and with the spirit of cooperation which the distinguished majority leader, Senator FRIST, and the distinguished minority leader, Senator REID, have articulated, we are in a position to go forward. But we have a great deal of hard work to do.

As manager of the bill, along with Senator LEAHY, it appears we will have some 30 amendments. That is a lot of amendments but a manageable number if we address them with time limits so the arguments can be made on both sides and we can proceed to votes.

There will be other business which will have to be considered at the same time this bill is on the floor. We have pending the nomination of Brett M. Kavanaugh for the Court of Appeals for the District of Columbia Circuit. The prospects are there will be debate and an up-or-down vote, and that will have to be worked into our schedule.

The nomination of General Hayden is pending for Director of CIA. What the timetable will be there remains to be seen. But that is an important position, and it may be that action will be possible on that nomination up or down before we adjourn for the Memorial Day recess.

But the core work which we have to do will be the amendments on this immigration bill. I have discussed the timing of votes with the majority leader, who is prepared to back the managers of this bill on time limits on the votes. We have a 15-minute time limit on votes and a 5-minute grace period. It is our expectation we will be enforcing those limits rigorously. When we have stacked votes, as is our custom, we have 10-minute votes and 5-minute extensions. We will be enforcing those limits rigorously.

There have been some occasions when the votes have languished for very protracted periods of time. In the past, when we have rigorously enforced the time limits, it is something which I think meets with virtually unanimous approval among the Members. Even those who occasionally miss a vote appreciate the fact that they do not have to wait for 10, 15, or even more minutes after the vote is supposed to have ended until the next vote starts and the next debate starts. So everyone should be on notice that we intend to proceed in that manner.

We return to the debate on the immigration bill, after a period where we could not come to terms on the structuring of debate before the last recess. But now we are in a position to go forward.

This bill is an outgrowth of the core provisions of the McCain-Kennedy leg-

islation, then reported out by the Judiciary Committee with substantial modifications, putting the so-called 11 million undocumented immigrants at the end of the line, making provisions for border enforcement, making provisions for employer enforcement, and making provisions for judicial reform.

Then we have had additional modifications made by the amendments offered by Senator HAGEL and Senator MARTINEZ, so that we now have an amalgam of legislation, trying to work through the ideas of many Senators on very hotly contested items, and items which are very emotional.

There have been questions raised about what will happen beyond a Senate-passed bill, which will be a comprehensive bill, which will include a guest worker provision, which has been advocated by President Bush, also advocated by the Speaker of the House of Representatives, DENNIS HASTERT.

With that guest worker provision, and with other provisions, the Senate bill will be significantly different from the House bill.

We have worked cooperatively with Chairman SENSENBRENNER in the past on complex legislation. With the good faith which I know will be present by both bodies, I believe we can craft, under our bicameral system, a legislative package in conference which will be acceptable to both the House and the Senate.

There have been those who have said they will reject any major changes in the Senate bill. I believe the core provisions in the Senate bill—finding an answer to the 11 million undocumented immigrants, an answer to their status, is indispensable on immigration reform.

We cannot create a fugitive class in America. We do need immigrants, guest workers to handle very important jobs in our economy. I believe within a broad ambit we can reach agreement with the House of Representatives.

We are looking at this large group of undocumented immigrants, estimated by the Pew Hispanic Center to be between 11 and 12 million individuals. We know these undocumented immigrants constitute almost 5 percent of our labor workforce. We know, according to the Center for American Progress, the total cost to, so-called, round up every illegal immigrant within the United States would be \$200 billion to \$230 billion over 5 years, without the capacity to house people once they are arrested and under very difficult circumstances.

The legislation we are considering today is not amnesty. That is a pejorative term, really a smear term used to denigrate the efforts at comprehensive immigration reform. This is not amnesty because amnesty means a pardon of those who have broken the law. That is not the case here. These undocumented immigrants will have to pay a fine. They will have to undergo a rigorous criminal background investigation to be sure we do not have a

criminal element subject to staying in the United States and being on the citizenship track. They will have to learn English so they can integrate into our society. They will have to have a job for 6 years. They will then be at the end of the line.

When the comments are made about enforcing our borders, the first amendment which will be offered by the proponents of the bill will be a border security certification, which provides that:

The Secretary may not implement any program authorized by this Act or by any amendments made under this Act which grants legal status to any individual or adjusts the current status of any individual who enters or entered the United States in violation of Federal law unless the Secretary has submitted a written certification to the President and Congress that the border security measures authorized under title I and the increases in Federal detention space authorized under section 233 have been fully completed and are operational.

Now, this certification really is directed to those who have said we ought to have border security in place and employment sanctions in place before we consider what we do with the 11 million undocumented aliens, immigrants, or what we do on a guest worker program. Well, that is the cart-before-the-horse argument. This border security certification puts the horse in place before we move ahead to the cart and I think, when implemented, as implemented, will answer that point.

This bill, which we are laying down today, provides very material items on border enforcement. For example, it increases Border Patrol by 400 per year for 5 years; authorizes technologies to create a so-called virtual fence along the southern border; authorizes physical barriers for highly trafficked parts of Arizona's border and California's border, and highly trafficked parts on other borders; provides for a study of a possible new fence along the southern border; and creates crimes for eluding immigration inspectors; and it ends the catch-and-release practice for other-than Mexicans.

We also have very substantial provisions on interior enforcement. It eliminates gang members from admissibility for citizenship and deports those gang members. It clarifies and strengthens alien smuggling laws with increased penalties. It provides criminal penalties for various immigration-related document fraud. It provides for 20 more alien detention facilities, with the capacity for 10,000.

In title III we have employment enforcement. One of the major failings of the 1986 legislation was the failure to have employment enforcement.

We have provisions for a guest worker program. We have provisions for family-based and employment-based green cards.

We have title VI: work authorization and legalization of undocumented individuals.

Mr. President, I ask unanimous consent that, at the conclusion of my oral

remarks, the full outline of S. 2611 be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. We have created, under the work authorization and legalization of undocumented individuals, three separate categories: a category for those who have been in the United States for more than 5 years before April 5, 2006; a second category, category 2, for those who have been in the United States for less than 5 years before January 7, 2004, which does have a "leave country and touch base" requirement.

The Senator from Nevada, the leader of the Democrats, raised his concerns about this provision as to whether it ought to stay in the bill and said there will be amendments to remove it. It is a controversial provision. There is a real issue as to whether it accomplishes something which is worthwhile. But in cobbling together and crafting a bill, it has been necessary to put in provisions which are not universally accepted. And that is the nature of legislation, that there are accommodations, and everyone does not get everything they like. But we will subject this particular provision to very careful analysis and debate, and the will of the Senate will be worked on it.

There is a third category of those who entered the United States after January 7 of the year 2004.

Mr. President, I ask unanimous consent that the full text of my statement be printed in the RECORD.

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

IMMIGRATION FLOOR STATEMENT

Mr. SPECTER. Mr. President, today the Senate resumes the debate on immigration reform with S. 2611, featuring the compromise that was crafted by a group of Senators shortly before our last recess. This legislation will affect millions of individuals and will alter America's social and economic landscape. According to the Pew Hispanic Center, between 11 and 12 million individuals reside in the U.S. unlawfully, and illegal immigrants account for about 4.9 percent of the U.S. labor force. According to the Center for American Progress, the total cost to "round up" every illegal immigrant within the United States would be \$206 to \$230 billion over 5 years, a plan that neither is fiscally sound nor accomplishes the goal of bringing the country's undocumented workers out of the underground economy.

In 1986, President Ronald Reagan signed into law a bill that instantly conferred legal resident status to millions of illegal immigrants. However, the 1986 bill had several flaws. Most importantly, the legislation did not include comprehensive immigration reform that dealt with all facets of the immigration problem. Thus, it failed to meet American business's demand for increased legal immigration. We cannot afford to repeat the mistake of 20 years ago. Nor can we simply confer legal status to presently undocumented workers without asking for something in return. Amnesty, by definition, is a pardon or a free pass granted to a large group of individuals without any consideration in return for the amnesty granted. Re-

quiring earned adjustments, as our bill does, is not amnesty; it is a system that enables undocumented immigrants, who are neither criminals nor terrorists, to earn legal status and to remain productive members of our society.

The 1986 immigration bill's failure to create a guest worker program to meet the needs of our employers meant the market would step in to accommodate those needs. Market forces created, de facto, an "illegal guest worker" program, whereby undocumented workers would enter the country illegally in order to obtain work. Employers benefited under this system because they obtained workers. Undocumented workers benefited because they secured jobs. But an "illegal guest worker program" is unacceptable. As the economic motivation to come to the U.S. remains strong, we should provide the avenues and incentives for U.S. employers and foreign workers to only use legal channels. The bill before the U.S. Senate makes it attractive for immigrants to use existing legal channels rather than so-called coyotes who illegally traffic foreign workers into the United States.

The compromise creates an earned adjustment program for longer-termed undocumented individuals who have deep roots within their communities. It allows for individuals who have been in the United States 5 years before April 5, 2001, to come out of the shadows and legalize their status. However, unlike the 1986 amnesty, which only had minimum requirements, our compromise has strict, objective requirements that must be met in order for the individual to legalize and adjust his status. The individual must undergo security and criminal background checks; must not be determined to be a criminal or a national security threat and deemed inadmissible; must have worked a minimum of 3 of the 5 years prior to April 5, 2001; and must continue to work for a minimum of 6 years after the date of enactment to adjust their status to lawful permanent resident. Most importantly, these individuals are required to "get in the back of the line" and cannot adjust their status to lawful permanent resident and get a green card until those waiting in the queue have their opportunity to receive their green card. The individual must also pay a fine of \$2,000, pay all applicable back taxes as well as remain current liability, and must demonstrate knowledge of the English language and an understanding of American history and Government.

The compromise also creates a new status called "Mandatory Departure and Reentry" for individuals who have been in the U.S. and employed less than 5 years but before January 7, 2004. These individuals must come out of the shadows during the 3-year period after the date of enactment and must leave the U.S. and return to the country in a legal status. The crux of these provisions is that it encourages undocumented individuals to leave the United States and surrender their status as soon as possible, without separating families and without disrupting businesses. If departure occurs within the first year, the individual is not subject to any fines. If departure occurs within the second year, there is a \$2,000 penalty, and if departure occurs within the last year of the program, the alien must pay a fine of \$3,000. Individuals who entered after January 7, 2004, must immediately depart the U.S. and apply through the new visa category created in my bill, the new H-2C program for temporary workers. The total number of H-2C visas available will be 325,000 visas and will adjust, either up or down, according to the market demands. These individuals have lived in the shadows and outside the protection of law for too long. As such, out of fear and desperation, many are abused and discriminated

against at the workplace and are afraid to come forward. The compromise achieves the goal by allowing these individuals to come forward.

Another flaw of the 1986 amnesty was that it did not provide for realistic enforcement. S. 2611 strengthens enforcement of immigration laws and provides the necessary resources for effective border and interior enforcement. S. 2611 provides employers with the tools they need to ensure their workforce is authorized, coupled with a commitment to provide the resources necessary to abate the flow of illegal immigrants into this country in the future.

The 1986 bill failed because it did not address our Nation's economic need for future guest workers. Immigration reform cannot only deal with the current illegal population or just provide tough border enforcement measures, but must also provide avenues for future immigrants to come to this country to labor and to enjoy the fruits of U.S. citizenship. We must require illegal aliens already in the U.S. to come forward, register, and undergo the necessary background checks to ensure our national security, and we must provide a legal avenue for future immigration to meet the future needs of our economy. As we return to the immigration debate, let us not repeat the mistakes of the past but build upon the growing consensus in America to allow immigration to help shape our future.

Mr. SPECTER. Mr. President, I have talked long enough to have noted the arrival of the distinguished ranking member, who I know will shortly be seeking recognition. Before he does, let me repeat for him the comments made by the distinguished leader of the Democrats, complimenting the work Senator LEAHY has done, complimenting the work which we have done jointly generally in the Judiciary Committee, and complimenting the work especially of the Judiciary Committee on this immigration bill.

Senator LEAHY and I appeared together earlier today in a tribute to fallen police officers and commenting about the need for bulletproof jackets. He and I have worked together on a great many matters, with our collaboration having originated before either of us got to the Senate at the National District Attorneys convention in Philadelphia in 1969, when he was DA of Burlington and I was DA of Philadelphia. Our efforts on bipartisanship, I think, have been followed by other Senators, and I think it has been in the interest of the Senate and the country to have that kind of cooperation.

We will be handling the amendments one at a time. But we invite Senators who have amendments to be offered tomorrow to come to the floor this afternoon to debate those amendments. The chief of staff, the staff director, and general counsel, Michael O'Neill, has already been in touch with a number of those Senators, urging them to come down, following the comments of the distinguished ranking member, to start to talk about amendments so we can have abbreviated debate when we conclude the first amendment.

EXHIBIT 1

S. 2611, THE COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

TITLE I—BORDER ENFORCEMENT

Increases border patrol by 400 per year for 5 years (Feinstein-Sessions)

Authorizes technologies to create a "virtual fence" along the Southern border

Authorizes physical barriers for highly trafficked parts of Arizona's border (Kyl)

Provides for a study of a possible new fence along the Southern border.

Creates crimes for eluding immigration inspectors (Sessions) and constructing border tunnels (Kyl, Feinstein)

Ends the "catch and release" practice for other-than-Mexicans (Sessions)

TITLE II—INTERIOR ENFORCEMENT

Makes suspected gang members inadmissible to, and deportable from, the U.S.

Clarifies and strengthens alien smuggling laws and increases penalties

Adds criminal penalties for various immigration-related document fraud

Provides 20 more alien detention facilities with a capacity of 10,000 (Sessions)

TITLE III—EMPLOYMENT ENFORCEMENT (subject to a Grassley substitute amendment to Title III on the Floor)

Establishes a nationwide, mandatory verification program for hiring workers

Limits the number of acceptable hiring documents along with REAL ID standards

Makes the standard for hiring illegal workers "knowingly" or "with reckless disregard"

Authorizes 2,000 worksite enforcement agents and 1,000 anti-fraud agents

TITLE IV—GUEST WORKER PROGRAM

Creates a new guest worker program (called H-2C) for future workers

Provides the following in the guest worker program:

6-year duration with an annual cap of 325,000

Travel privileges in and out of the U.S., and portability between jobs

Allows workers to obtain green cards by self-petitioning

Allows students with advanced degrees in science/math to stay in the U.S.

Exempts workers with advanced degrees in science/math from green card caps

Increases the H-1B professional worker visa annual cap from 65,000 to 115,000 (with a fluctuating cap)

TITLE V—FAMILY-BASED AND EMPLOYMENT-BASED GREEN CARDS

FAMILY-BASED VISAS/GREEN CARDS:

Exempts Immediate Relatives (spouses, minor children, parents) of U.S. Citizens from the 480,000 numerical cap

Recaptures unused green cards from past years to reduce the processing backlog

Increases the per country limits on visas to add fairness in the overall allocation

EMPLOYMENT-BASED VISAS/GREEN CARDS:

Increases the numerical cap from 140,000 to 450,000. This increase sunset after 10 years reverting to 290,000

Exempts spouses and children from counting against the numerical cap

Recaptures unused green cards to help reduce the processing backlog

Eliminates the 5,000 visa limit on unskilled workers who seek a green card

TITLE VI—WORK AUTHORIZATION AND LEGALIZATION OF UNDOCUMENTED INDIVIDUALS

Subtitle A—Access to Earned Adjustment and Mandatory Departure and Reentry

Category I—Access to Earned Adjustment—In the U.S. more than 5 years before April 5, 2001

Security and criminal background checks

Employed for at least 3 out of the 5 years ending on April 5, 2006 and must work at least 6 years after the date of enactment

Pay all applicable back taxes

Demonstrate knowledge of English language and U.S. history and government

Pay \$2,000 fine (and all applicable fees)

Must wait until the current green card backlog is cleared (approximately 6 years)

Exempt from current green card numerical limitations

Category II—Mandatory Departure and Reentry—In the U.S. less than 5 years but before January 7, 2004

Security and criminal background checks
Must apply within 3 years of date of enactment

Must be employed before January 7, 2004 and must be continuously employed for at least 60 days

If departure within 1st year, no fine; if departure within the 2nd year, \$2,000 fine; and departure within the last years, \$3,000 fine

Application fee of \$1,000

Grounds of Ineligibility

Ordered excluded, deported, removed, or agreed to depart voluntarily from the U.S.

Failed to comply with any request for information by the Sec of DHS

"Leave Country and Touch-Base" Requirement—Must exit the country and reentry through any U.S. land port or through U.S. Visit.

Category III—U.S. after January 7, 2004

Required to immediately depart the United States and return in applicable legal channels.

Waives the current bar denying illegal immigrants admission and allows them an opportunity to return to the United States.

Subtitle B—Agricultural Job Opportunities, Benefits, and Security

Creates a "blue card" program for legalization and adjustment of status for agricultural workers (Feinstein)

Reforms the current H-2A (temporary guest worker program for agricultural worker)

Subtitle C—DREAM ACT

Provides for students here undocumented in the U.S. to obtain a green card (Durbin)

TITLE VII—MISCELLANEOUS

Subtitle A—Immigration Litigation Reduction

Increase immigration judges and personnel

Increases the number of judges on the Board of Immigration Appeals

Provides for a GAO study on consolidation of immigration appeals

Subtitle B—Mikulski (citizenship assistance for the armed services)

Subtitle C—Kohl (State Court Interpreter Grant Program)

Subtitle D—Domenici (Border Infrastructure/Technology Modernization)

Subtitle E—Lautenberg (Family Humanitarian Relief)

Subtitle F—(Other Matters):

Frist (Non-citizen membership in the armed forces)

Collins (P visa for minor league athletes)

Mikulski (H-2B extension)

Nelson (Surveillance Technologies Programs)

Isakson (Comprehensive Immigration Efficiency Review)

Cantwell (Northern Border Prosecution Initiative)

Hutchison (Southern Border Prosecution Initiative)

Harkin (Grant Program to Assist Eligible Applicants)

Allard (Terrorist Activities)

Levin (Screening of Municipal Solid Waste)

Stevens (Access to Immigration Services in Areas)

Thomas (Border Security on Certain Federal Land)

Kennedy (Family Unity)

Mr. SPECTER. Mr. President, to start the debate, if I may, as I have referred to earlier, I send an amendment to the desk and will ask for its consideration when we debate the amendment further tomorrow and proceed to a vote. It is an amendment that has been summarized briefly which would require border security arrangements to be in place before we move ahead to the handling of the 11 million undocumented immigrants and the guest worker program.

I yield the floor for my distinguished ranking member.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, today the Senate turns its attention again to comprehensive immigration reform. I hope we can finish the job the Judiciary Committee started in March and the Senate began considering in April. We need to fix the broken immigration system with tough reforms that secure our borders and with reforms that will bring millions of undocumented immigrants out of the shadows.

I commend the majority and minority leaders for continuing to search for a procedural agreement, even though Republicans blocked action on a comprehensive solution by filibustering before the April recess. Democrats supported the bill that was reported by the Judiciary Committee, and we were willing to support the Hagel-Martinez compromise. In fact, Democrats voted twice in two days for comprehensive reform, but the Republican leadership refused to follow the commitments it made when the cameras were on, and folded its tent by declining to support cloture even on the motion of the Republican leader.

I hope that when the President speaks to the Nation this evening, he will strongly encourage his party to support a comprehensive bill in the Senate. The President offered some helpful comments in April, but these words came too late, as the far right wing of his party had already undermined the potential compromise. Democrats were prepared to pass a bill in April and are prepared to pass a fair and comprehensive bill now.

The Bush-Cheney administration has gone to great lengths to create the impression that it is now committed to strengthening our border security. The reality is that very little progress has been made. A recent report concluded that the number of people apprehended at our borders for illegal entry fell 31 percent under President Bush's watch, from a yearly average of 1.52 million between 1996 and 2000 to 1.05 million between 2001 and 2004. The number of illegal immigrants apprehended while in the interior of the country declined 36 percent, from a yearly average of roughly 40,000 between 1996 and 2000 to 25,901 between 2001 and 2004. Audits and

finances against employers of illegal immigrants have also fallen significantly since President Bush took office. Given the vast increases in the number of Border Patrol Agents, the decline in enforcement can only be explained by a failure of leadership.

The recent aggressive and well-publicized enforcement efforts to detain illegal immigrants are little more than political posturing that do little to improve the situation. We need comprehensive reform, backed up by leadership committed to using the tools Congress provides, not piecemeal political stunts.

Tonight we expect to hear that the National Guard will be deployed to the Mexican border. Once again the administration turns to the fine men and women of the National Guard in a crisis. After our intervention turned sour in Iraq, the Pentagon turned to the Guard. After the governmental-wide failure in responding to Katrina, we turned to the Guard. Now, the administration's continual unwillingness to focus on our porous border and develop a comprehensive immigration policy, the administration turns once again to the Guard. Yet I am continually puzzled that this administration, which seems so ready to take advantage of the Guard, fights so vigorously against providing this essential force with adequate, equipment, a seat at the table in policy debates—even adequate health insurance for the men and women of the Guard.

As long as these Guard units operate under the authority of State Governors, I believe this action is appropriate. In addition, the Federal Government should pick up the full costs of such a deployment and be clear about the length of this service. Those costs should not be foisted onto the States and their already taxed Guard units. Their families have been called upon to sacrifice more than any other group of Americans. My heart goes out to the members of the Guard and their families.

Controlling our borders is a national responsibility, and it is regrettable that so much of this duty has been punted to the States and now to the Guard. The Guard is pitching in above and beyond, balancing its already demanding responsibilities to the States, while sending troops who have been deployed to Iraq. The Guard served admirably in response to Hurricane Katrina when the Federal Government utterly failed to respond in a timely or sufficient manner. The Vermont Guard and others have been contributing to our national security since the immediate aftermath of 9/11. Later tonight, we expect the President will announce that after more than 5 years of failing to use the authority and funding Congress has provided to strengthen the Border Patrol and our border security, it has come to this, militarizing our southern border.

Instead of proposing a budget with robust and complete funding for our

Border Patrol, the President has focused on providing tax cuts for the wealthiest among us. Congress has had to step in time and again to create new Border Agent positions and direct that they be filled. Instead of urging his party to take early and decisive action to pass comprehensive immigration reform as he signaled he would in February 2001, the President began his second term campaigning to undercut the protections of our Social Security system that Americans oppose. While the President talks about the importance of our first responders, he has proposed 67 percent cuts in the grant program that supplies bulletproof vests to police officers, a program that has special resonance today when we meet to recognize the 157 officers we lost last year.

Five years of the Bush-Cheney administration's inaction and misplaced priorities have done nothing to improve our immigration situation. Its time for action, not more talk. The Senate just passed an emergency supplemental appropriations bill that includes nearly \$2 billion for border security. These are important programs and we all support them, although a number of us believe the Democratic leader was right to offer them without taking the funds from our troops' needs in Iraq.

Border security alone is not enough to solve our immigration problems. We must pass a bill—and enact a law—that will not only strengthen the security along our borders, but which will also encourage millions of people to come out of the shadows. When this is accomplished we will be more secure because we will know who is living and working in the United States. We must encourage the undocumented to come forward, undergo background checks, and pay taxes to earn a place on the path to citizenship.

Just a few weeks ago I went to the White House with a bipartisan delegation of Senators to speak with the President. The need for a fair and comprehensive immigration bill was the consensus at that meeting and I believe the President was sincere when he told us that we had his support. I hope he will include that commitment in his statement to the nation tonight. If not, I trust that he will not wait to urge comprehensive immigration reform on those Republican Senators and the Republican House leadership who have yet to endorse our bipartisan comprehensive approach. Without Republican support and the intervention of the President with the recalcitrant factions within his party, this effort is unlikely to be successful and the hopes of millions will be destroyed. Those who have peacefully demonstrated their dedication to justice and comprehensive immigration reform should not be relegated back into the shadows.

The bill that won the bipartisan support of a majority of the Judiciary Committee was a compromise that contained the essential components that are required for comprehensive

immigration reform. Before the last recess, I was willing to support a further compromise that incorporated the principles of the Hagel-Martinez bill because it was proposed by the majority leader as a "breakthrough" that would allow us to pass immigration reform.

Immigration reform must be comprehensive if it is to lead to real security and real reform. Enforcement-only measures may sound tough, but they are insufficient. In these next 2 weeks, the Senate has an opportunity, and a responsibility, to pass a bill that addresses our broken system with comprehensive reform and puts the pieces in place to secure the Nation.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3961

Mr. CORNYN. Mr. President, on behalf of Senator ISAKSON, I call up amendment No. 3961, which was earlier sent to the desk by Senator SPECTER.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN], for Mr. ISAKSON, proposes an amendment numbered 3961.

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

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

The amendment is as follows:

(Purpose: To prohibit the granting of legal status, or adjustment of current status, to any individual who enters or entered the United States in violation of Federal law unless the border security measures authorized under Title I and section 233 are fully completed and fully operational)

On page 53, between lines 14 and 15, insert the following:

SEC. 133. BORDER SECURITY CERTIFICATION.

The Secretary may not implement any program authorized by this Act, or by amendments made under this Act, which grants legal status to any individual, or adjusts the current status of any individual, who enters or entered the United States in violation of Federal law unless the Secretary has submitted a written certification to the President and Congress that the border security measures authorized under Title I and the increases in Federal detention space authorized under section 233 have been fully completed and are fully operational.

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and send another amendment to the desk on behalf of Senator KYL.

Mr. LEAHY. Reserving the right to object, what was the request?

The PRESIDING OFFICER. Will the Senator restate his request?

Mr. CORNYN. I ask unanimous consent to set aside the pending amendment and send another amendment to the desk on behalf of Senator KYL and myself, and I ask for its immediate consideration.

Mr. LEAHY. Mr. President, I don't think this is in keeping with what I understand the distinguished Republican leader and the distinguished Demo-

cratic leader had discussed as a procedure, nor discussed by the chairman of the Senate Judiciary Committee. So I will, for the moment, object until such time as we can figure out what is it they want. I came in late on the earlier agreement, but I want to make sure the Senator from Texas is following what the two leaders had proposed. So I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, about a month ago when we were debating immigration reform and, unfortunately, because of the inability to get amendments heard and debated and voted on, that process was derailed, and here we are again. I was under the distinct impression that we were actually going to have a chance to offer amendments and then have debates and votes. We will work out whatever the misunderstanding is between the sides. But my hope is that we will have that opportunity because I think the American people are yearning for an honest and complete and comprehensive debate about this issue. It affects all of us. It affects all of the States that each of us as Senators represent, and it represents a clash of our values. We are proudly a nation of immigrants, but we are also a nation of laws. Unfortunately, it is hard to reconcile the second ideal as a nation of laws with the current situation we see in this country with our porous border which last year allowed 1.1 million people to come across the border, and because we only had about 2,000 detention beds, most of those individuals were simply subject to what has now become known as the notorious catch-and-release program. And those who were sent back to Mexico came back again in short order, and we saw roughly 250,000 of those individuals who were detained at the border came from countries other than Mexico, including countries such as Syria, Iran, and other countries of special interest, which cause a lot of people, including me, an awful lot of concern because it is indicative of the fact that our southern border has become a magnet and has become a sieve for illegal immigration, not just from Mexico and Central and South America but literally from countries all around the world.

I support comprehensive immigration reform, as a Senator from Texas. With about a 1,600-mile border, we understand what the border is about. A number of Senators have had the opportunity since this debate began to go to the border. I think that has been very instructive for all of them. But I can tell you that my constituents live and work along the border and have come to know both the tremendous benefits of that region of our country and the culture that transcends international boundaries, the fact that families have relatives on both sides of the border, the fact that for the last 11 years, since NAFTA, the North American Free Trade Agreement, was signed

by the United States, Canada, and Mexico, we have seen a tremendous growth in legal commerce and traffic across the border that has been enormously beneficial to all of those countries and created an awful lot of new jobs in my State.

None of us want to jeopardize all of the benefits that attend to the fact that we do have a neighbor to our immediate south, Mexico, and the benefits that come from the cultural heritage and interaction, but the fact is that illegal immigration across the southern border of the United States has changed dramatically over the last few years because Mexico has been unable to control its southern border and, in fact, has become a sort of a land bridge into the United States and created a tremendous amount of concern, as it should, in a post-9/11 world. We simply have to know who is coming into our country and why they are here. We can no longer assume their motives are simply benign.

I have no doubt that in most instances—perhaps nearly all instances—people come to this country for the same reason people have always come to America, and that is for a better life. We all understand that on a fundamentally human level. But we also understand that if we don't control our immigration system, if we don't control our borders, not only are we less secure, but literally our way of life may be subjected to a huge tsunami of humanity, people from all over the world who want to come to the United States, but if they don't do so in a controlled way, in a way that complies with our laws and allows us to regulate the flow in the pursuit of our national interest, that we will have lost something very important, and part of that will be the opportunity to provide the sort of prosperity we enjoy today to our children and our grandchildren.

My hope is we will create a legal system of immigration that we will be able to regard with pride and that people who, as they always have, come here from all around the world through a legal system of immigration will become Americans. After all, becoming an American is an idea and an ideal. In other words, it doesn't matter where your country of origin is, where you were born. It doesn't matter how you pronounce your last name. It doesn't matter what race you are or what ethnicity you are. When people come to America and become Americans, they become part of this vast melting pot which we thank God for every day and which has become the envy of the world.

We have benefited enormously from the fact that we are a nation of immigrants, but we are in danger because we are no longer a nation of laws when it comes to our immigration system.

During the course of this debate, I will be offering several amendments. I want to talk about one of them in a moment. Because of the objection, we won't be offering any additional

amendments today until we can work out the differences between the majority and minority side.

As the chairman of the Immigration and Border Security and Citizenship Subcommittee of the Senate Judiciary Committee, it has been my great honor to preside over a number of hearings on our broken immigration system. That has both caused me a great deal of concern but also a sense that there is a lot we can do if we focus on answering the practical questions that need to be answered before we can actually fix our broken immigration system.

The Judiciary Committee voted out a bill that I think is fair to say bears the authorship of Senator MCCAIN and Senator KENNEDY. That then came to the floor and now has been amended by Senator HAGEL and Senator MARTINEZ and is supported by a bipartisan group of Senators.

I am sorry to say at this point that I am not able to support that bill, as amended, but it is my hope that after this debate and during the course of the amendment process that we have votes, and hopefully I will be able to win a few of those votes on amendments that will improve the bill to the point where I feel comfortable supporting the Senate bill. That is my hope.

Regardless, I look forward to working with my Senate colleagues and our colleagues from the House once the Senate passes a bill, assuming we are successful in doing so, in trying to reconcile the differences in the approach the Senate intends to take in comprehensive reform and the House approach, which is primarily a border security bill.

I am proud to say that this bill, when I talk about comprehensive reform, has a number of components. I mentioned the first is border security. I am proud to say that the bill Senator KYL of Arizona and I filed about a year ago now has been largely incorporated into the bill before us. When it comes to the work we need to perform for security along our border, we need to vastly increase the number of Border Patrol agents.

I understand the President tonight may make some announcement with regard to the use of National Guard on a temporary basis to fill in the gaps and provide additional boots on the ground so we can get to that level of security faster, and I believe we should use all of our national assets to provide border security. But I also had the honor this morning of going out to Fort Belvoir, where the Army Materiel Command provided a demonstration to me with some of the unmanned aerial vehicles and ground sensors, the radars, the thermal imagery, and so forth, that the military has developed for force protection. It has obvious applications in providing the Department of Homeland Security additional technology which will allow us to secure our border. Here again, the problem is not a shortage of ideas; the problem is

the shortage of assets, including human assets and technological assets that will actually allow the Department of Homeland Security to accomplish the goal of border security. We have a long way to go between ideas and concepts and actually building the infrastructure, actually purchasing the technology and training people to operate it.

That is one reason I look forward to further debate on Senator ISAKSON's amendment currently pending that provides a trigger. In essence it is saying the rest of the provisions of the bill will not be implemented until such time as the Secretary of the Department of Homeland Security certifies that the border security provisions have, in fact, been implemented. I think that is a significant proposal.

I commend to my colleagues an article that I read this morning called "Can Immigration Reform Work?" This is an article written by Lawrence B. Lindsey, who was the former chief economic adviser for President Bush. Mr. Lindsey writes as an advocate of comprehensive immigration reform, as am I, but he asks some very practical questions which I think have to be answered during the course of this debate.

First of all, advocates of the current bill pending on the floor acknowledge that beneficiaries of the provisions of the bill, the 12 million or so who will benefit from the earned legalization—or some might call it amnesty based on its similarity with the amnesty of 1986—but the argument is that the beneficiaries of this provision of the bill will have to go to the back of the line. Again, I commend the Lindsey article to my colleagues.

The question is: The back of which line? Basically what this bill does is it allows people who are currently here in an unauthorized status; that is, they have come either in violation of the immigration laws or they have come here legally and have overstayed in violation of the immigration laws, it allows them 6 years before they can then receive a green card. A green card confers legal permanent residency. After 5 more years, in other words, a total of 11 years, they can then apply for and receive American citizenship.

The problem with the current bill on the floor is that it essentially guarantees the 12 million a green card and all they have to do is stay where they are. In other words, the line does not start in America; the line starts at the consulate in Hong Kong or in Mexico City or in Bogota, Colombia, or in some other place around the world where people would apply for a green card, not here in the United States. What they are essentially saying is people under this current bill can break in line in front of those who have been waiting patiently outside the country, but break in line for those awaiting citizenship who otherwise would have to wait outside the country. There is something, it seems to me, fundamen-

tally unfair about line-jumping, about breaking in line, and many have expressed concerns, and I am one of those who have the concerns, about rewarding people for line-jumping.

Another aspect of Mr. Lindsey's article, which I again commend to my colleagues because, again, these are practical questions: How are you going to solve this problem? And I stand here as someone who is interested in solving the problem and as a supporter of comprehensive immigration reform. But we have to do better than the bill that is currently on the floor. That is why I strongly urge my colleagues to study it and also to listen to the amendments, and hopefully we can improve it.

The other question that Mr. Lindsey raises is the sheer immensity of the program proposed in the Hagel-Martinez compromise. In 2004, the Immigration and Naturalization Service issued almost 1 million green cards and naturalized 537,000 people. Contrast that with what this bill would do. It would give green cards to about 12 million people in one fell swoop and make them eligible for citizenship 6 years later, which is roughly a twelvefold increase in the workload of the agencies and the people who are actually supposed to make this work.

I hope all of us will pay close attention to whether this thing that we are creating, this comprehensive immigration reform, can actually work. Part of making it work is going to be making sure there are the people and the processes, the databases, the computers, the cards, all of the things that are going to be necessary to actually make it function as intended. If not, we are going to be swamped by a tsunami of newly legalized people seeking documentation without any real ability to actually respond to that.

The third issue he raises is the need for what he calls a certificate of legal residency. We are going to have to—and the bill does provide, and there will be some additional debate about this—a work site verification program, which is absolutely critical to the functioning of comprehensive immigration reform. I think it needs to be beefed up and improved because what we need to provide employers is a way to swipe a card through a card reader and then almost immediately the light turns green and that means that person can work here legally. If it is red, they can't. Right now, employers can be presented some combination of up to 19 different documents to prove eligibility to work in the United States, and what happens is the human smugglers and those who benefit from this phenomenon provide a whole host of counterfeit documents.

In other words, there are millions who generate fake documents such as driver's licenses, Social Security cards, and birth certificates. So we need a secure identification card that can help us as part of this enforcement regime because if we don't, then we will find ourselves 5 years or 10 years from now

in the same fix we are in today, except probably worse.

I say that because in 1986 the Congress thought it was fixing this problem once and for all when it granted what everyone acknowledges was an amnesty. It bears a lot of resemblance to the proposal that is on the floor today. Yet some say: Well, it is not really amnesty, it is earned legalization. Well, whatever it is, it looks very similar, if not its identical twin. But everyone I think will agree that the amnesty in 1986 was a complete and total failure, probably for one of two reasons.

Some say: Well, it is because we didn't really have any provision for a legal work force, a temporary worker program as part of that. But I think most people would agree that it was mainly a failure of work site verification and employer sanctions. There have been virtually no employer sanctions prosecuted by the Federal officials responsible for that, and part of the reason has been because it is very hard for employers to know whether the person they are in fact hiring is legally eligible to work in the United States.

We can figure this one out. It is not rocket science. If we can go into a convenience store and buy a bag of chips and a Coca Cola and hand the clerk our card and they swipe it and in a matter of seconds it is authorized, we can figure this one out. We have a variety of identification cards and biometric identifiers to help verify that the person who holds the card is in fact the same person whose name is on the card. So we can figure that out. I will talk more about that later.

I think the proponents of this bill as written need to convince the American people that this time we are serious, that we are not going to pull the rug out from under the American people if they put their confidence in the solution proffered by this bill. I remember what my dad always said: Fool me once, shame on you; fool me twice, shame on me. The American people can be enormously forgiving and tolerant. But if they feel as if the Federal Government is simply not serious about this and is going to pan this bill off as strict on enforcement and not fund it and not implement it, and not be serious about it, I think there is going to be a terrible price to be paid. Unfortunately, it will be deserved if we are not serious about doing what we say we are going to do when it comes to enforcement, including work site verification.

I want to talk briefly about an amendment I tried to offer, but there was an objection. Hopefully, we will work this out. This was actually the amendment that was pending by Senator KYL and myself back about a month ago when this whole debate got derailed because we couldn't get any votes on the amendments and basically we ended up going nowhere. After a month now, we are back here again. Hopefully, we are locked and loaded

and ready to proceed in the regular order, which means that in the world's greatest deliberative body we will actually have debates and we will actually have votes and majorities will prevail and people who don't get the majority vote will lose. While none of us likes to lose, that is the process, and that should be the process.

Unfortunately, we are here a month later, but now I hope we have an opportunity to have those debates and to have those votes and to proceed to passage of a good bill.

The amendment I am referring to specifically would exclude from the benefits of the bill on the floor—and what I mean by that is the 12 million people who are here in an unauthorized status, who either came illegally or who overstayed their legal authorization; they are here in violation of our immigration laws. It would exclude from amnesty or earned legalization or whatever you want to call it the benefits for convicted felons. In other words, convicted felons would not get amnesty under this bill if this amendment passes. People who have committed at least three misdemeanors would not get amnesty under this bill if this amendment is agreed to and passes. Finally, it would exclude the benefits of the bill to those it applies to, those who have actually had their day in court and lost and simply melted into this huge American landscape.

What I mean by that is they are absconders. In other words, they are people who have been caught in violation of the law, people who have had their day in court, who have exhausted their remedies, and then refused to show up when it came time to go back home. These are known as absconders.

What this amendment would do is say, if you are an absconder, then you don't get the benefit of the amnesty because you have already had your one bite at the apple, and we are not going to give you two bites at the apple. I don't think any Americans really believe that it is just OK to ignore a lawful court order. How many Americans, for example, after receiving a subpoena to show up in court or maybe a jury summons, simply ignore it and skip the date?

Today in the United States, there are 544,000—544,000—aliens who have been ordered deported but then have gone underground. That is more than a half million people who simply chose to ignore a lawful court order. Under current law, it is a felony offense punishable by up to 4 years in jail to not comply with a deportation order. So let's be clear. We are not talking about civil violations. We are talking about criminals, people who not only have overstayed their legal authorization or who have come in illegally and been caught; we are talking about people who have had their day in court and simply ignored the judgment of the court and gone underground.

I believe this amendment is indicative of whether we will continue to

tolerate and reward those who violate our immigration laws.

The current bill increases penalties and would impose a mandatory minimum criminal sentence of 6 months on any alien who fails to leave the country after being ordered deported.

The current bill requires the Department of Homeland Security to list absconders in the NCIC, the national database, criminal database, so that State and local police officers can arrest them when they are encountered during regular traffic stops.

These are both steps in the right direction, I believe. But then, oddly in the same bill, the same proposal on the floor, it would allow those same individuals to apply for legalization and would prohibit the Department of Homeland Security from apprehending or detaining these same aliens. In other words, this bill simultaneously increases criminal penalties for failing to follow a court order but then rewards the same criminal act with an easier path to a green card. I do not think there is a better example of Congress sending mixed signals on immigration reform. If we are going to avoid the mistakes of 1986 and avoid the massive buildup of people who are in our country out of status, we have to create a system that encourages self-compliance by illegal aliens.

Each year, there are 300,000 deportation hearings. What is the point of conducting those hearings if those who are ultimately ordered deported after they have had their day in court simply go underground and ignore a lawful court order? If the absconder rate is about 85 percent today, what will it be in the future if we reward those who fail to comply with amnesty? The aliens who comply and who leave the country would not be eligible for amnesty. So the message, at least so far as the bill on the floor is concerned, is you are better off violating the law, hunkering down, melting into the landscape, and then you are going to get amnesty. But if you actually comply with a lawful court order and leave, then you are not entitled to the benefits under the bill—exactly the opposite of the message we ought to be sending. We need to decide whether we are more interested in granting amnesty than we are in reforming the immigration laws and restoring confidence in the immigration system.

Without this amendment, the current bill would grant amnesty to aliens who committed felony offenses, thereby encouraging further violations of immigration and undermining the integrity of our immigration court system.

Some may argue that the majority of aliens deported never receive notice that they are in proceedings. That is simply not true. Deportation proceedings are initiated when written notice is provided to the alien, which is almost always done when that individual is apprehended. The notice, informally called a notice to appear, advises the recipient of three things: No.

1, the conduct alleged to be in violation of the law; No. 2, the alien's obligation to provide the Government with a written record of an address; and No. 3, the consequences of failure to provide or update the address on record with the Government.

The Government is also required by statute to provide notice to the alien of any change or postponement of the proceedings. Just as in any other civil or criminal proceeding, the alien has an obligation to provide a current address. If that were not the case, how would the immigration courts administer the 300,000-plus cases they hear each year?

So what happens if the alien fails to appear at the hearing? The court may order the alien removed in absentia only if the Government establishes by clear, unequivocal, and convincing evidence that the written notice was provided to the alien and that the alien is, in fact, deportable. The court may rescind the order if, within 6 months of the order, the alien establishes that he did not receive notice of the hearing or if exceptional circumstances prevented the alien from appearing. This amendment we are offering—will offer when permitted—includes the same waiver standard, so any alien who establishes that he or she did not receive notice as required or was unable to appear at a hearing because of a medical emergency or other exceptional circumstance remains eligible to apply.

The text of the amendment is unambiguous. It would not apply to any alien who entered without inspection, overstayed a visa, or violated their visa status unless the alien has had his or her day in court and been ordered deported. To avoid any confusion, this amendment uses the exact language as in the current Immigration and Nationality Act.

In conclusion, let me say that national security demands that we know who is living within our borders, especially since 9/11. We must reform our immigration laws in order to bring millions of those who are living outside of the law out of the shadows and in compliance with that law. But success of immigration reform cannot be measured solely on how many aliens obtain legal status. The 1986 amnesty bill brought millions of illegal aliens out of shadows. Yet Congress never lived up to its commitment to enforce the law at the border and at the worksite. Today, 20 years since the 1986 amnesty, the continued failure to enforce the law has resulted in a new class of illegal aliens that is estimated to be approximately 12 million. That is four times larger than 20 years ago.

I share the goal of comprehensive reform and of bringing those 12 million illegal aliens out of the shadows and into compliance with the law. In fact, I believe we ought to give them a second chance to reenter the country in a legal status. But I also believe that we should not repeat the failures of 1986 and restore credibility and law and

order to the immigration system. The current bill, without any amendment, rewards criminal behavior and will undermine the Government's ability to enforce the immigration laws. My amendment, which only excludes criminals from obtaining legal status, will reveal whether we are really serious about reforming our immigration laws or if we are strictly interested in granting legal status to as many illegal aliens as possible, irrespective of whether they are criminals or whether rewarding them would repeat the failures of 1986.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I welcome the start of this week and the prospect of a good and fair debate on the whole issue of our borders and how we are going to deal with immigration reform. There are some exceedingly important public policy issues and questions that have to be decided. But it certainly appears that the Senate itself is prepared to take votes on these measures. I believe that is certainly the way we ought to proceed.

I hope as we start the debate we understand there are a lot of misstatements about the different positions which have been outlined in the course of this debate. It is going to be important for the American people to listen to those of us who are putting forward proposals—I will outline briefly the proposal of Senator MCCAIN and myself—and then to listen to those who are supportive of those proposals. In this debate, not unlike other debates, we will find those who misrepresent our proposal, distort our proposal, and then differ with it. That is a rather tried, true, tested process around here. Why should I believe this debate might be different? Maybe that is hoping for too much.

These are tough enough choices and decisions for this body to make. Hopefully we will have the opportunity to have a fair debate on the substance of these matters. That is certainly what I look forward to. I know Senator MCCAIN looks forward to that. That is certainly in the tradition of this great legislative body.

I will take just a few minutes this afternoon to outline in broad terms the proposal Senator MCCAIN and I supported. We go back, Senator MCCAIN and I.

Mr. REID. Will the Senator from Massachusetts yield briefly?

Mr. KENNEDY. I am glad to yield for a question.

Mr. REID. Mr. President, through the Chair—the Senator, because of airplane connections today, wasn't here. I made a statement on this legislation. One of the things I want to make sure the Senator from Massachusetts understands is that I completed my statement this morning saying that I hope we can have bipartisan, good debate on this legislation; this legislation is so badly needed.

I also want the Senator from Massachusetts to understand that as far as I am concerned, the key to our having been able to move forward on this legislation is the work done by the Democratic Senator from the State of Massachusetts, the senior Senator from Massachusetts, and the Republican Senator from Arizona, the senior Senator from Arizona. The Kennedy-McCain legislation is the framework for doing something to solve a problem that needs to be solved. I hope we can move forward on this matter in a bipartisan, constructive way.

I said this morning there are strong feelings on all sides of this issue, as there should be. But I hope the Senator from Massachusetts agrees with me that it is imperative that this legislation be completed and that—the Senator, being the modest person he is, would not agree with me about the importance of the Kennedy-McCain bill—but I want the Senator to know that I believe the key to our moving forward was the work done on this matter in many private meetings, some public meetings, with you and the Senator from Arizona. I want to compliment and applaud you for the work done, making it possible to be at the point we are in this legislation.

Mr. KENNEDY. Mr. President, I thank our leader, Senator REID, for both his support and encouragement, working with Senator FRIST to bring us to this point. That was a real challenge.

I thank him for his comments. If he will remain on the floor for just a moment? I am very hopeful that, as he outlined in his statement, we will have a bipartisan approach to an issue of enormous importance—the security of our borders. How are we going to treat the 12 million individuals who are here now, the overwhelming majority of whom want to play by the rules, work hard, be part of the American process and dream, like the tradition of so many other immigrant groups? We have tough enforcement issues. We have issues of fairness. And I thank the Senator for his comments.

The Senator knows the history of this institution. To find the type of bipartisanship which we have had on this issue, we would have to go back, frankly, to almost the time of the civil rights laws. Maybe the action to end the war in Vietnam. We have not had that kind of bipartisanship in a major policy issue that I know of in any recent time.

As the Senator from Nevada has pointed out, we are facing an issue of enormous importance with regard to our national security. This is a defining issue of who will eventually have that great opportunity of participating as an American citizen, really the greatest achievement, in personal terms, for so many people who earn that citizenship. We are back for a few moments to a time when the Senate of the United States, Republicans and Democrats, came together to take action on a controversial and difficult

issue but one that was clearly in the national interest.

I think the comments of the Senator remind us of that tradition. That is what this institution has done when it has been at its best. We did it with Medicare. We did it with civil rights. We did it on the issues of ending the war. We did it with the progress we have made on disability issues, knocking down the walls of disability and gender. On all of these issues, we came together. We had strong bipartisan majorities on them. That is not something we have seen very much of, I would say, in very recent times. We have that opportunity now.

As I hear the Senator, he is calling on us to really try to make sure that this institution is going to act in its great traditions and make something worthy of remembering. I think that is what I hear from the Senator, and I thank him for that expression.

As I was saying, I thank our leaders for bringing us to where we are. I am grateful for the opportunity of working with Senator MCCAIN to bring forward this reform bill and for the work Senator HAGEL, Senator MARTINEZ, and so many others have brought us to this point. As we have talked about at other times, 2½ years ago I had legislation, and Senator MCCAIN had legislation maybe 2½ years ago. We began to come together. About that time, Senator HAGEL had legislation, somewhat different from that of Senator MCCAIN and me. They are all working to try to come together in a common spirit to address this issue.

What we now have is something that has come out of our Judiciary Committee with a 12-to-6 bipartisan vote. We have now before the Senate strong legislation that will deal with our national security concerns and also deal with the issue of earned—and we mean earned—legalization and tough enforcement at the workplace.

I think we have a good combination. I am very grateful to all those who have been a part of this process. So many have added so much to help get us where we are today.

We recall that throughout our history courageous immigrants have provided the hard work, the strong family, and the love of country which defines the American spirit. They dug our canals, built our railroads, they advanced our science, fostered our innovation, and they fought in our wars. And 60,000 have served our colors with pride in Iraq and Afghanistan.

Those are the permanent resident aliens that are in the service in Iraq and Afghanistan—and other places around the world. They became part of the American dream.

Immigrants have been the heart and muscle that has moved this country forward for 400 years and helped make America the envy of the world.

Last month, we were reminded, in a personal way, of the contributions of immigrants by the moving stories related by Senator DOMENICI and Senator

MARTINEZ. Senator DOMENICI told how his parents came here from Italy with nothing. His father earned his citizenship through his service in the Army in the first World War. His mother was here for many years before gaining her legal status and once faced deportation but later became an American citizen. The Domenici's worked hard, learned English, built a successful grocery business and one of their children went on to become a distinguished and respected Senator.

Senator MARTINEZ of Florida told us about his family's flight from Cuba to begin a new life in America. A young Martinez was 15 years old when his family escaped from Cuba to seek a new life of freedom. And similar to millions before him, his family worked hard, learned English, and earned their success in Florida. Today, MEL MARTINEZ was not only a Cabinet Secretary but was elected by the people of Florida to serve as their Senator.

This is the immigrant story.

We are a great people because that story has been repeated millions of times over many generations.

As in the past, today's immigrants are tomorrow's Americans, regardless of where they came from or how they got here. They and their children and grandchildren will contribute anew to our national life.

I have mentioned that from my office in the JFK Building in Boston, I can look out the window and see the pier where my great-grandparents landed from Ireland in 1848—and the stairs they walked up too. The immigrants called them the "golden stairs" because it offered the golden hope of opportunity for them. I can look out the window and see those same eight stairs where all of them walked up and entered Boston to begin their lives and begin earning their American citizenship.

It is something that is not in our remote past. Every American knows how our immigration system is currently broken. It falls short of meeting our security needs and strengthening our economy, upholding our values—and what we have tried in the past no longer works today.

We have heard already the issue—Well, we already had amnesty in 1986, and it didn't help us because we didn't have enforcement. But this bill is not amnesty. Amnesty was in 1986, when we said we forgive you—and we were also supposed to have effective enforcement by employers. They were to take those not provided with amnesty and to enforce the law. That was never done under Republican or Democratic administrations. But we are not talking about that now.

We are talking about an entirely different situation.

There was a time when oceans and borders protected us and enabled us to better control immigration. That is no longer the case today. In the past decade, we have spent more than \$20 billion to triple our border patrols and

build fences. But we have learned that border enforcement alone will not work. Building fences and putting more agents on the border is doomed to fail. It is a strategy that will make us weaker, not stronger, in dealing with immigration.

Ten years ago we had 40,000 individuals coming across the border illegally. We have spent \$20 billion, and we have tripled the number of border agents. We added \$10 billion more in terms of border security, and now we have more than 400,000 individuals crossing illegally. You can estimate. Some will say it is 600,000 or 700,000. Border security enforcement in and of itself will not work.

We need an immigration program for the 21st century that is worthy of our heritage as a nation of immigrants—one that is tough, smart and fair; one that sees to our security and reflects our humanity.

I believe the compromise legislation before us meets that test.

It is four parts.

First, it mandates very tough enforcement. It doubles our Border Patrol; builds fences and barriers along the border, and requires state-of-the-art technology in fighting illegal immigration. It increases enforcement against employers who hire undocumented workers, and requires tamper-proof immigration documents so that employers can determine who can and cannot work in America.

It fully implements a system for keeping track who comes to our country and when they leave. It establishes new penalties against digging tunnels under the border and for evading immigration officials. It sets up a massive new effort to shut down criminal syndicates that smuggle immigrants into the country. It expands the capacity of our immigration detention facilities and grants new authority to detain dangerous immigrants. It provides vast new authorities to identify and remove terrorists and criminals.

In the area of border enforcement, those needs are self-evident. We are talking specifically about the border with 12,000 new Border Patrol agents, 2,000 more than were actually requested in the 9/11 Commission. It creates the high-technology "virtual fence." This is key. Using newer kinds of technology for a "virtual fence."

I think it is vastly more effective than putting a chain fence along 1,800 miles of border.

It expands the exit-entry security system at land borders and airports so we can know people coming in and when they leave. We can do that more effectively.

It deals with records and vehicle barriers. It authorizes permanent highway check points near the border. It authorizes the additional ports of entry along the land borders and new criminal penalties for tunnels.

This is a problem in southern California as Senator FEINSTEIN pointed out.

They have a new land and water surveillance plan at present time. It can be expanded and has been effective to secure Mexico's southern borders.

Ours is the only plan that recognizes that, if you are going to be effective, you have to also deal with the countries in Central America and deal with the challenges that we are facing from individuals in South America coming across.

We have to work with Mexico in an effective way to limit the number of people coming into Mexico, and also more effective in terms of the people coming into Central America—and to do that in ways that work, with the cooperation of those countries. We can do that.

It also deals with the alien smuggling and requires the additional time for detention.

That is one aspect of what we have at the border.

Another one is interior, and we have worksites.

Those are the three elements of enforcement.

We deal with money laundering.

We provide for fraud-proof immigration documents with biometrics.

Unless you effectively deal with documents, you are never going to get a handle on the constant fraudulent production of documents. We are doing that with biometrics. That is going to be enormously effective. It is the technology.

We have the new border fences and the other elements in terms of interior.

This is the result of a good many hours we spent in the Judiciary Committee.

The third aspect of enforcement is in the workforce. We have added 10,000 worksite inspectors.

The fact is we have not had inspection of worksites, as I mentioned, under either Republican or Democratic administrations. They have been a joke. Therefore, employers have hired undocumented, and illegal workers, with all kinds of implications—driving wages down, work conditions down, exploitation of these individuals, all of that.

That will be ultimately changed because we have effective enforcement.

We have a process by which we are going to insist on valid documentation.

These are the various kinds of provisions. They are all outlined in the legislation. I think they are enormously compelling.

These are some of the new enforcement tools that our bill provides. These steps alone are not enough.

Therefore, the second step in our bill acknowledges that the 11 million undocumented immigrants who are already here are not going away. But they also have something to offer to our communities and to our country. Common sense says we cannot and should not embark on a massive deportation program. That would disrupt communities and businesses and it would uproot families.

What are you going to do when there are children who are citizens? Are we going to deport their parents because they are undocumented? There is a whole host of families like that. That would disrupt families. And cost money. Of course, the best estimate is some \$240 billion, requiring a caravan of buses stretching from Alaska all the way through California. Instead, we should recognize the desire of these immigrants to contribute to America.

Our bill provides a means for them to earn the privilege of American citizenship. It is not amnesty. Amnesty means forgiveness. Amnesty means going ahead of the line. No one goes to the head of the line. They go to the back of the line. They do not only go to the back of line for current applicants, but they go to the back of the line for everyone who is in line today. They go to the back of the line in terms of their ability to adjust their status. They have to pay the penalty. They have to learn English. They have to demonstrate that they have no criminal activities. And they have to demonstrate that they are working.

The fastest they can be able to earn their citizenship is 11 years. They have to demonstrate that they are learning English. They are playing by the rules; they are in no trouble with the law; they pay the penalty at the beginning and another penalty at the end.

They have that opportunity of going to the back of the line, and at the end of 11 years, they have the opportunity of becoming citizens.

That is not what we will hear during the debate. It is so easy for those who are opposed to our program who will say that is amnesty; that is just amnesty. But it isn't. They pay a penalty and go to the back of the line. And they have to earn citizenship over a long period of time.

They have to demonstrate that they are contributing something to America over 11 years. That is called earning the right to become a citizen.

The alternative, with all due respect to all of those who are out here talking about deportation. They ought to get it straight.

Which are they for? There is no in between.

Members can say: We don't like the McCain-Kennedy approach, which is basically supported by the Hagel. We don't like that. That is the alternative. There isn't another one that I know of.

We should recognize the desire that many of these immigrants want to contribute to America. And our bill provides the means for them to earn the privilege of American citizenship.

They must pay taxes. There is a penalty for coming illegally. They have to learn English and obey our laws over several years.

Third, our bill recognizes that we must provide legal challenges for future immigrants so that employers are not tempted to hire illegal immigrants in the future.

That is all part of bringing the people out of the shadows. The reality is, im-

migrants will come and employers will hire them even if we erect miles and miles of new fences. It is far better for future immigrants to be here legally so they are out of the shadows and protected by our laws rather than used illegally to undermine American wages and American jobs. For that reason, our bill establishes a program to allow workers to come here legally, to work here temporarily with the prospect of earning their way to permanent status in the future. They have to demonstrate the prevailing wage that will be available to them, and they will then have the document that will give them the assurance of employment. They will be able to avoid that kind of exploitation. That is an important part of this proposal.

That is our program. It has been embraced by employers, workers, Republicans, Democrats, civil rights groups, immigration experts, immigrant groups, and more. We are all waiting to hear what the President has to say about it in his national immigration address this evening.

President Bush is to be commended for his courage and leadership in advancing the immigration debate in our Nation. As a former Governor of a border State, he understands the issue and appreciates what is at stake. He knows the many contributions of immigrants to our Nation. Tonight, we need President Bush to speak in a clear, strong voice in favor of this comprehensive, bipartisan, commonsense immigration plan. Each of its three elements is necessary to fix our broken system. None will work in isolation from the others. That is the key aspect. All three steps must be implemented at the same time if we are to restore the integrity of American immigration. All of them are based upon conforming with the law, both in terms of the border and those who might be guests.

The President must state unequivocally that enforcement-only approaches are a failed strategy and "enforcement-first" may make a tidy bumper sticker slogan, but it is not a strategy for success. However, I urge the President not to distract the Nation from the urgent work of immigration reform. I know we will hear tonight from the President about the possibilities of deployment of the National Guard along the border. All are very much aware that our National Guard is stretched, and stretched thin; that our National Guard has important responsibilities in Western States to manage fires. Even up in my State, as of today, we have dramatic floods in the northeast communities in my State of Massachusetts. We are facing the hurricane season where the National Guard has played an absolutely key and indispensable role.

We understand the way the administration is considering using the National Guard; not putting them on the front line of deployment but having them more in a support role. That would certainly make sense because

our border guards have some 15 weeks of training in how to deal with these challenges. To be effective, that is necessary training.

We will hear more about this issue this evening. It is important we have the full story from the administration about the utilization of the National Guard. There are important issues and questions that we will all have and we will look forward to the responses by the administration.

I believe our national attention and our valuable tax dollars should be spent on the hiring and training of Border Patrol agents and immigration officers needed along the border. That is what we have in this proposal when we are talking about the expanded number of border agents as recommended not only by our Judiciary Committee but also by the 9/11 Commission. We believe this is the way to move.

In a way, the reform debate is much larger and far reaching than the issue of immigration alone. It is about the kind of America we have been and the even stronger America we hope to become. It is about a land whose greatest strength is the way we treat our neighbors and care for our fellow citizens. It is about opening doors of opportunity to unleash the talents and strengths of everyone in the land, regardless of color or creed, so that we face the future with hope and determination. That is what this debate is all about.

We see it in the faces of hundreds of thousands who have marched for opportunity in cities across our land. We see it with our employers who know that a skilled, diverse workforce is essential to our competitiveness in the global economy. We see it with our military leaders who are recruiting a diverse fighting force to think in new ways as we deal with our dangerous world.

Just as in the past, this debate comes with controversy. This has always been the case throughout our immigrant history. Just as it was with the struggle for civil rights in the 1960s, who today would argue that Italian or Irish or Catholic or Jewish immigrants should be excluded? And just the same, who would argue that African Americans should be excluded from our schools, or that discrimination against the hiring of Latinos is acceptable in America today?

Similarly, over the next several days, as the Senate debates immigration, there will be strongly felt discussion and hotly contested amendments. Many of these amendments, if adopted, would end the prospects for comprehensive reform. The outcome of these amendments will determine what vision of America we will pursue—one mired in fear that seeks to preserve the status quo, or one anchored in hope that looks with optimism to America's future. That is the issue behind this whole debate.

I look forward to participating in the debate. Hopefully, we will have a positive outcome.

I see my friend and colleague from West Virginia in the Senate. I know he

is eager to speak. I had one other item that I will address very quickly if I could. It is timely. Then I will yield the floor.

MEDICARE

Mr. President, for seniors in Medicare today, it is judgment day, the day when the misjudgments, the failures, the basic errors of the competence in implementing the Republican Medicare law will bite into the savings of 8 million seniors across America. Today, the situation will get worse as seniors are hit with financial penalties if they are unable to wade through the complicated tangle of private insurance plans and the Part D Program.

In Massachusetts, citizens have over 45 stand-alone drug coverage plans and a number of HMO plans to choose from, each with different drugs offered at different prices. Seniors have to work out which plan covers which drug at which price, with what copayment, what deductible, for dozens of separate plans. They struggle with long waits on the Medicare help line and inaccurate and frequently changing information about the program as even the administration struggles to understand and explain it.

Today, my State, Massachusetts, is currently under a state of emergency due to major flooding in the State. I have requested for all of Massachusetts an extension of the Part D deadline in our State. Many seniors have been evacuated from their homes, others have no electricity, and many have no ability to get to the Post Office or to counselors to discuss enrollment due to the flooded roads.

I urge the administration to extend the deadline for these seniors. The administration has said that their computer programs will enable seniors to decide which plans to choose, but not every senior is computer literate, and many do not have access to the Internet. The program is so confusing that even HHS Secretary Leavitt could not work out which drug program was right for his parents. Imagine how difficult the choice is for seniors who do not have the HHS Secretary to help them? If seniors have not worked through all of that confusion by today's arbitrary and punitive deadline, the Republican Medicare law hits them with a fine that grows month after month for as long as they do not sign up for the program.

Every Member of the Senate and our staffs and the employees of every Federal agency can obtain health insurance through the Federal Employees Health Benefits Plan. It is voluntary. Most people sign up for coverage, but some may decide not to because they are included in a spouse's policy or have some other coverage.

Are Members of Congress who decide not to sign up for the Federal coverage hit with extra payments when they enroll at a later date? Of course not. But the GOP law says seniors who do not sign up by today's deadline in the Medicare Program will have to pay a

penalty when they sign up later. Those payments will go up and up and up the longer the seniors decide not to enroll.

The Republican majority is not rushing to impose fines on Members of Congress who do not sign up for health care by some arbitrary date, but that does not stop them from enacting a law that penalizes seniors who miss the Medicare deadline.

Senator BILL NELSON has introduced important legislation to let seniors make their selection of a drug program without being coerced into a premature choice by today's deadline. The administration says enrolling in the drug benefit is entirely voluntary, but it is hardly voluntary if you have to pay a fine when you did not join by an arbitrary deadline. The proposal Senator NELSON has offered will waive the penalties that seniors would otherwise have to pay for not signing up for a drug plan in time.

The fiasco of today's punitive deadline is all the more serious because enactment of a good Medicare drug program could and should have been a chance to make real progress in meeting the health care needs of American seniors.

I was here when we passed the Medicare Program. We failed to pass it in 1964; we passed it in 1965. The Medicaid Program was passed 8 or 10 months later and both of them were implemented within 11 months—when we did not have computers, and it was done without a hitch. Now the administration has said 2 to 2½ years to implement this program, with all the computers in the world, and the seniors in my State are confused, troubled, and scared.

The proposal Senator NELSON has offered is to try and relieve that anxiety, that fear, the sense of loss that so many of our seniors have.

If I can get the attention of the Presiding Officer, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H 1841; that the Senate proceed to its immediate consideration, the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bill be placed in the RECORD at the appropriate place.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts does have the attention of the Chair, and on behalf of the Republican leadership, I object.

Mr. KENNEDY. Mr. President, this was an attempt to try, on this last day, to give one last opportunity for the Senate to address this issue in the form of the Nelson amendment. I regret very much we have an objection to it.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The distinguished Senator from West Virginia is recognized.

THE NECESSITY OF THE SENATE IN THE FEDERAL GOVERNMENT

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

In my continuing series of statements on the idea of a Senate, I refer today to the necessity of the Senate in the Federal Government by James Madison in the *Federalist* 62, 1787.

Was the Senate really necessary? Was a Senate really necessary? Since the American Revolution, the United States had operated under a single body legislature, but the Framers of the Constitution created both a Senate and a House of Representatives.

Writing in the *Federalist* Papers, a collection of 85 letters, written to newspapers in support of the Constitution's ratification, James Madison explained the unique nature of the Senate and the cautious deliberative role that it would play in the American Government.

Federalist 62:

The qualifications proposed for senators, as distinguished from those of representatives, consists in a more advanced age and a longer period of citizenship. . . . The propriety of these distinctions is explained by the nature of the senatorial trust, which, requiring greater extent of information and stability of character, requires at the same time, that the senator should have reached a period of life most likely to supply these advantages. . . .

It is equally unnecessary to dilate on the appointment of senators by the State legislatures. . . . It is recommended by the double advantage of favoring a select appointment, and of giving to the State governments such an agency in the formation of the federal government. . . .

The equality of representation in the Senate is another point, which, being evidently the result of compromise between the opposite pretensions of the large and the small States, does not call for much discussion. . . .

In this spirit it may be remarked, that the equal vote allowed to each State is at once a constitutional recognition of the portion of sovereignty remaining in the individual States, and an instrument for preserving that residuary sovereignty. . . .

Another advantage accruing from this ingredient in the constitution of the Senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the States. It must be acknowledged that this complicated check on legislation may in some instances be injurious as well as beneficial; and that the peculiar defence which it involves in favour of the smaller States would be more rational, if any interests common to them, and distinct from those of the other States, would otherwise be exposed to peculiar danger. But as the larger States will always be able, by their power over the supplies, to defeat unreasonable exertions of this prerogative of the lesser States; and as the facility and excess of law-making seem to be the diseases to which our governments are most liable, it is not impossible that this part of the Constitution may be more convenient in practice, than it appears to many in contemplation. . . .

. . . The necessity of a senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions. . . . All that need be remarked is, that a body which is to correct this infirmity, ought itself to be free from it, and consequently ought to be less

numerous. It ought moreover to possess great firmness, and consequently ought to hold its authority by a tenure of considerable duration. . . .

. . . The mutability in the public councils, arising from a rapid succession of new members, however qualified they may be, points out, in the strongest manner, the necessity of some stable institution in the government.

On September 17, 1787, the 39 delegates to the Constitutional Convention, meeting in Philadelphia, signed the new Federal Constitution. They agreed that the new Constitution, intended to replace the Articles of Confederation, would take effect when it gained ratification by 9 of the 13 States.

To overcome suspicion and outright opposition, supporters of the Constitution needed to convince Americans of the wisdom of the new plan. In the weeks and months that followed, newspapers throughout the States printed opinion pieces that both praised and condemned the proposed Federal structure. Most prominent among these propaganda pieces was a series of letters written by Alexander Hamilton, James Madison, and John Jay. Signed "Publius," and published in 1788 as "The *Federalist*," these essays explained how the new Constitution—dividing the Government into three equal branches—would preserve the Union, reconcile differences among States and political factions, and promote a common welfare, while carefully controlling power through a system of checks and balances.

Of the 85 essays the trio authored, seven dealt specifically with the Senate—Nos. 62, 63, 64, 65, 66, 75, and 76—while others, such as essay No. 51, discussed the Senate as part of the broader definition of a Federal Government that included a bicameral legislature.

In essay No. 62, James Madison eloquently stated the need for a smaller, more deliberative body in the legislative branch to cool the passions and control the urges of democratic masses. By requiring Senators to be at least 30 years old, 5 years greater than the minimum age for their House counterparts, and to be elected by State legislatures rather than through direct popular election, the Framers created an institution designed to provide experience and stability.

Such qualifications would be vital in a body to which the Constitution assigned such constitutional duties as providing advice and consent to treaties and to Presidential appointments. Senators also would serve 6-year, overlapping terms, creating continuity by allowing two-thirds of its Members to remain from Congress to Congress. Longer terms, combined with a system of indirect election, would allow Senators to resist the whims of public opinion.

The Framers also established equality of States in the Senate, assigning each State two Senators. The "Great Compromise of 1787," reached on July 16, 1787, reconciled the demands of the

large States with those of the small States by establishing proportional representation of States in the House of Representatives based on population, and equal representation in the Senate. This compromise guaranteed that the Senate would remain a smaller body than the House, where Members could enjoy more freedom in debate and create the necessary compromises to bring about successful legislation.

Of all the qualities established by the Framers, only the system of indirect election has changed significantly over time. Election by State legislatures ultimately proved vulnerable to corruption. Following the Civil War, newspaper reporters accused State legislatures of accepting bribes to elect Senators favorable to special interests or remaining willfully "deadlocked," depriving some States of their Senate representation for months—yes, for months—even years.

Reformers reacted to these allegations by advocating a constitutional amendment that would allow the people to vote directly for Senators. This correction to the Framers' handiwork for the Senate went into effect in 1913 as the 17th amendment.

The Senate has remained a smaller body where States have an equal voice. It has served continuously now—continuously, may I say to the distinguished occupant of the Chair, the very able senior Senator from the Old Dominion, the State of Virginia—since 1789, never requiring the biennial reorganization necessary in the House.

Senators have tended to be somewhat older and more experienced than Representatives, and the Senate has remained—yes, remained—a deliberative institution that has brought caution and stability to the legislative process.

As James Madison commented at the Constitutional Convention, the "use of the Senate is to consist in its proceeding with more coolness, with more system, and with more wisdom, than the popular branch" of the Congress.

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

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

Mr. DORGAN. Mr. President, my understanding is we are on the immigration bill as of this afternoon, and there is an amendment now pending. I wish to say a few words about the general issue of immigration and also talk about a couple of items the Democratic leader, Senator REID, spoke about earlier today.

First of all, I think this needs to be, and I hope will be, a very sensitive debate. The fact is, this is a great country in which we live. It is a country

that in many ways over many decades of its two-plus centuries has been built by immigrants, has been nourished by immigrants. Virtually every one of us in this Chamber would have come from immigrant parents, grandparents, or great-grandparents. So it is important we understand that and we understand what immigrants have brought to and have given this country.

It is also important that we understand why as a country we have decided to have immigration laws and to have quotas for immigration. The reason we have had quotas for immigration is the world has progressed in different parts of this globe at a very different rate. In some countries, the economies have lagged far behind. In other countries, the economies have become very advanced, and the circumstances of the countries are very different.

This Earth of ours has somewhere around 6.3 billion people living on it, this little planet. We circle around the Sun. Of the 6.3 billion people, somewhere now nearing 300 million people live in this little place called the United States of America.

We are pleased to live on this planet. One-half of the people who live on this planet make less than \$2 a day, one-half of the people who live on this Earth have never made a telephone call, and 1.5 billion people living on this Earth don't have daily access to clean, potable water. There are people living on this Earth with great challenges.

We, however, are a country that has been blessed with resources, wonderful people, and ingenuity, and we have built something very special. Building it was not easy. Building the kind of economy and the standard of living we have had in this country has required sacrifice. We have had people die on the streets for the right of workers to organize. We have had very substantial debates about rights—about civil rights, workers' rights, about women's rights. We have done a lot of things that are very tough and challenging, and we have built quite a remarkable country.

Because of that, this is a country to which many around the world aspire to come, to live here, to work here, to be here. If tomorrow, for example, we in the United States said, on Tuesday, tomorrow, May 16, there is a new policy, and that new policy is this: Anyone living on this planet is able to come to this country unrestricted, come here, stay here, live here, work here, you are welcome, the welcome mat is out, if we did that, what do we think might happen? I know what would happen. Tens of millions of people—tens and tens and tens of millions of people—would aspire to find their way to the United States of America because it is, in fact, a beacon of hope and opportunity all around the world. There are jobs in this country, jobs available, rates of pay that are far in excess of those of Third World countries. The difference be-

tween, for example, the jobs in Mexico and the rate of pay for those jobs versus the jobs in the United States is very substantial.

We have on our southern border people who aspire to come to this country from Guatemala, Honduras, El Salvador, on up through Mexico to try to cross our borders. The result is we have, in order to protect our way of life and our standard of living and to protect jobs that need to go to American workers, quotas that limit the amount of immigration, and those quotas year by year are quotas we work with to try to understand how many we can have come into this country from various parts of the world.

Let me give some statistics about last year to the extent we know it. Last year, 1.1 million people tried to come into this country illegally from the border of Mexico, up through that southern border; 1.1 million people tried to enter this country illegally and were apprehended, stopped, and not allowed to enter the United States illegally. Mr. President, 750,000, it is estimated, did come to that border and got across the border illegally and were not detected and were not stopped. So 1.1 million were detected, stopped, and prevented from entering. Probably three-quarters of a million entered illegally. Another 175,000, it is estimated, came to that border and entered legally; that is, children, relatives, and others. Under the quota system, they entered legally. This is a circumstance just on our southern border.

The result is we have immigration laws, and those laws are laws that determine how many we can allow into this country. We do that for the protection and for the economic interests of the American people.

The American people include immigrants who have been here, came here legally; some have been here a long time. We want to make sure that jobs are available for them, that the middle class in this country has jobs that pay well with benefits.

We also have another influence in this country, and the other influence is that larger corporations are now made much larger because of mergers and are wanting to export good American jobs to China and import cheap, substandard labor, particularly from the South, and pay even less than minimum wage, and because they are hiring someone illegal, they are highly unlikely to be critical of them if they don't pay the minimum wage. They feel they don't have the right to criticize.

We have a circumstance where at least some enterprises in this country want to export good American jobs and import cheap labor on the bottom. That is, in my judgment, the circumstance that will pull apart the middle class in our country. That is why we have to be concerned about all that is happening.

The situation which exists in this country is that we put together, recog-

nizing there was an immigration problem, a bill 20 years ago in the Congress—I wasn't serving in the Senate at the time, I was in the House. It was a bill called Simpson-Mazzoli. It was named after Senator Simpson and Congressman Mazzoli. It was said at the time that the way to deal with illegal immigration is to shut off the jobs because people aspire to come here illegally to take a job. They see this job as hope and promise for the future.

I have pointed out many times about a helicopter I was on that ran out of gas at one point. We were touring down near Honduras and Nicaragua in the jungle and mountainous area. I was on a helicopter, and we ran out of fuel. We landed under power, but the red lights were on and alarms were ringing, and the pilots brought us down right then and there in this jungle, mountainous area. We were there a good many hours until the U.S. Army found out where we were and hauled us out of there.

The campasinos in the area came walking through the underbrush to see who landed in these two helicopters. Three of us had an interpreter with us. I was talking to the campasinos through the interpreter. They had never seen anyone from the United States. They lived up in the hills, a life of significant difficulty and poverty.

I was talking with them about their lives. I asked one young woman: How many children do you have?

She said: Only four, kind of disappointed. She was a very young woman. The interpreter told me later: The reason that woman said "only four" is you should understand there is no social security program down here. The only social security you have is to have as many children as you can possibly have and hope that enough of them survive that perhaps if you are lucky enough to reach old age, you will have children alive to support you in your old age. That is social security.

A number of women with a number of children came looking to see who landed. I was talking with, as I said, this young woman: What is your wish, your desire for your future and your children's future? What are you hoping for?

She said: That is easy. I want to come to the United States of America.

I said: Why do you want to come to the United States of America?

Oh, she said, that is an area where there is hope and opportunity for my children, and jobs.

You find that all over. So it is not surprising there are people trying to cross our border, trying to find jobs and opportunities in this country.

We passed legislation 20 years ago called Simpson-Mazzoli. The basic premise of that legislation was very simple. The premise was this: The attraction for people to come to this country illegally is to find a job and to earn money. If you shut off that attraction, shut off that job, you at least substantially diminish illegal immigration coming into this country. And so the legislation was passed.

I went back recently and read all the debate about Simpson-Mazzoli. The legislation was passed, and it was going to shut off the jobs. In fact, how was that going to happen? It was going to happen because there were going to be employer sanctions, saying to America's employers: If you hire illegal aliens, if you hire illegal immigrants to come into this country to take a job, you are going to be in some trouble. You can't hire people who are here illegally to work in your plants, to work in your businesses.

Those then were the approaches that were going to be used to shut down this illegal immigration. What happened? Let me give an example. I am told that last year, there was only one action taken against an American business—one—in all of America for hiring illegal workers.

I will give an example of hiring illegal workers. A couple of weeks ago—there is an energy plant being built in North Dakota—the highway patrol picked up I believe it was seven people. I believe six were from Guatemala, one was from Mexico. They detained them. They were not here legally. They had come here illegally to take a job in constructing the energy plant.

The law enforcement people took them to Minot, ND, to the immigration office. As a result of that, they took them back down to a motel nearly an hour south of Minot and dropped them off at the motel where they were staying with the admonition that they are now required, because they were here illegally, to show up in Minneapolis some weeks hence for a hearing. Of course, they will never show up in Minneapolis. They are gone. That is the way the system works: Come here, find a job; if you get caught, they say show up later; you never show up later. And that is the way the system works. That is the way the system works.

Now, what about the employer who hired these seven people? In 2004, in the entire United States of America, the administration took action against three companies that hired illegal immigrants. Let me say that again. In the entire country, they took action against only three companies that hired illegal immigrants. That is the same as saying to companies: You know what, don't worry, be happy. Hire illegal workers if you wish. Pay them substandard wages if you wish because they won't complain because they are illegal. Don't worry about it. It is a great way of cutting your costs. Be our guests because we are not going to enforce the law.

That is unbelievable to me.

So the whole promise of the law that was changed 20 years ago to shut off these jobs for people who are not in our country legally was a complete failure because there was an abject lack of enforcement. Now we have a piece of legislation on the floor of the Senate dealing with immigration, and we are going to go through this process again. We are told there are 11 million to 12 mil-

lion people who have come into our country illegally. Some have come in recent years, some have been here a long while, and some have been here long enough to have children and grandchildren. So the question is: What do you do about that?

Then we have people come to the floor of the Senate and they say: Well, let's do a new immigration bill. Yet doing a new immigration bill without effectively finding ways to shut the border to illegal immigration will have us back in the same Chamber in 10 years or 20 years saying: Now what do we do about the next 10 million or 20 million people who are here illegally?

Let me tell you why I think this is so important. No. 1, I said when I started that I think it is important that this be dealt with in a very sensitive way. I don't want people to in any way suggest that this debate diminishes or demeans immigrants. We have some wonderful people who have come to this country. That is how I got to this country. I wasn't alive when my ancestors came here, but they came over from Norway, and most Members of this Senate are here in this country because someone had the courage to get on a boat and probably land at Ellis Island. So let's understand that, first of all, about immigration.

But let's also understand that the issue of legal and illegal immigration is different. There are legal ways to come to this country and there are ways to get into this country illegally. What we have built in this country is very unusual on the face of the Earth.

I have spoken before about a man named Jim Fyler. Jim Fyler died. He was shot 54 times—54 times he was shot. Do you know why he was shot? Because he felt that coal miners ought to have a right to organize for better pay and better work hours, so he gave his life. Well, Mr. Fyler is one example of dozens of examples of what we have done in this country: The courage of men and women to stand up for the interests of workers for good jobs that pay well, with benefits, including retirement, health care, and more. So we have built something very special.

Now we have a whole series of influences which include, yes, illegal immigration to diminished salaries, diminished wages, diminished benefits, and diminished opportunities for American workers. It is not right.

So what I feel we should do is work on this immigration system in a serious and thoughtful way and try to evaluate what do we do about several issues. First, what do we do to control our border? I know some of the discussions today and perhaps this week and next week will be about terrorists. Yes, we have to try to keep terrorists from coming across the border. That is something that is very important. Terrorists wish to do harm to the American people. We need to keep terrorists from coming across this border and trying to kill American citizens. But in addition to the issue of detecting ter-

rorists and preventing them from coming in, we also need to have some control of our border to prevent an uncontrolled inflow of illegal immigrants who will take American jobs at substandard wages and then beginning to put downward pressure on American workers and American wages.

It is not an accident what is happening in this country today. You can read all the newspapers and evaluate what you find. You find companies that want to ship good jobs overseas to China. Why? Because they pay less money to get their products produced, and they want to ship their product back to this country to sell it and then they want to run their income through the Grand Cayman Islands and not pay taxes. So the same companies that want to export good American jobs are the same companies that would like to import cheap wages for the jobs we lost here.

Alan Blinder, a very respected economist, used to be vice chairman of the Federal Reserve Board. He wrote a piece that is interesting. I know some, when they talk about exporting American jobs, are viewed as xenophobes and isolationists and protectionist.

Allen Blinder wrote a piece; he is a former vice chair of the Fed, a very respected economist. He said there are somewhere between 42 million and 54 million American jobs that are potential jobs to be outsourced—outsourced—because there is a billion to a billion and a half workers in the rest of the world who will do those jobs for 30 cents an hour, 50 cents an hour, and you can put them in unsafe work plants, put the chemicals in the air and water. You don't have to worry about all that. They are much less expensive than hiring an American worker. He also said that it is likely that 42 million to 54 million American jobs would not be exported, but even those that are not exported, if they remain here, they are competing with lower wages and with those workers overseas who are willing to accept much lower wages.

So we face some very significant economic pressures for the American worker and the middle class in this country. Nobody seems to think much about it, care much about it or talk much about it. But it is implicit in this discussion as well, and it applies not to a certain class of American workers; it applies to all American workers. Yes, those are Hispanic workers and African-American workers; all American workers are affected by this. Those who are in the minority suffer most. They are the first to lose their jobs and the last to get a job back, and when they do get a job back, it is lower pay because they are told: This is a new global economy, and you have to compete with others in other parts of the world willing to work for much less money.

So that is the subtext as well for this kind of discussion, but I want to finally say this: If this debate moves forward

without an understanding that you have to find a way to deal with this issue of employer sanctions or shut off the lure, shut down the lure of a job; if we don't decide to get serious about saying to employers: You can't hire illegal immigrants, you can't do that without significant sanctions; if we don't do that, then we should make reservations to come back every 10 years and have another debate about how we deal with the next 5 million or 10 million people who want to come into this country.

So I think that this issue in the coming couple of days is going to be a difficult issue with perhaps a lot of amendments. I will be offering an amendment. My amendment will be one that will eliminate the guest worker provision which is the extra "above" provision saying that there are another—with this new proposal before us, there is another, I think it is 3.8 million workers who don't yet live in this country, but above H-2A and H-2B and the other programs, above all of that, there is another 3.8 million workers living outside the country now that will be allowed in as a part of this compromise. It doesn't make any sense to me. That is not, in my judgment, the right thing to do.

So there will be, as I said, a lot of amendments and a difficult debate, I am sure. I think this is a very important issue, but I think it is very important that we do it right and get it right. One of the questions we ought to consider for all Americans as we proceed is what are the consequences on American workers, on American jobs, wages, retirement, the future? That is a very important issue as we consider these immigration issues in the next 2 weeks.

Mr. President, I yield the floor and make a point of order that the quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to thank my colleague from North Dakota, Senator DORGAN, for his comments. I happened to be in South America a few weeks ago, and I noticed in the State Department news clips that there was a poll taken in Nicaragua, and it said that 60 percent of the people of Nicaragua would move to the United States if they could. Then I asked the Ambassador of Peru about it, and he said: Well, that is interesting. We did a poll down here just a couple of months ago and it was 70 percent. So I think Senator DORGAN has raised an important point, and that point is this: The United States must decide how many people and what skill sets we need in our country to strengthen our country. We simply cannot allow ev-

erybody in the world to individually decide they would like to come here and then to grant that request. It simply is not possible. I think what we would see in the months to come and the years to come is that more and more people would choose to come here, and as word got out if this bill were to pass in its present form, that they would decide to come here. The numbers could grow to exceed a level that most people think not possible today.

I had a press conference this morning, and we dealt with the question of the numbers of people that would be allowed into our country if this legislation were to pass. The numbers are staggering. Also at that press conference was Mr. Robert Rector, senior research fellow at the Heritage Foundation, the man who did the basic research on the welfare reform bill, one of the more respected individuals in Washington in terms of numbers and public policy. He stated at that press conference that this legislation is some of the most important legislation ever to come before Congress, and he compared it as rivaling in significance to Social Security and Medicare. That is what he said this morning. So we have to think seriously about the legislation that is before us.

Yes, we want to treat fairly and justly those people already in the country—even those who are here illegally—and figure out a way to do that right, and that is very significant. We also want to work hard on the border and to make sure we have a legal system that works in this country, and we have been doing some work on that. I don't think we are there yet. This bill does not get us there, but we can talk about it and perhaps make some progress.

I would say there is a deeper issue that is part of S. 2611 that has not been discussed publicly until this morning, and that is how many people might be admitted under this bill. My staff, Cindy Hayden and her Judiciary team, have been working for a week to try to figure out just how many people could be admitted. Right now, under current law, this country would admit 19 million new residents over 20 years. Under the legislation that is proposed today, over a 20 year period, we would admit a minimum of 78 million people—four times the number admitted under current law. In fact, as this chart shows, the number of people we admit could be as high as 217 people. If the base numbers in this bill grew at the maximum acceleration factors automatically built into the bill, acceleration factors that kick in not with regard to Congress or with regard to the Department of Labor making any certification of need but simply because people show up and apply to come into our country, they could actually hit 217 million people. That is a stunning number. That is two-thirds of the present population of the United States of America. I don't think it is going to hit 217 million, but

I do think it is going to exceed 78 million.

Mr. Rector ran his numbers, and they came out very similar to ours. His top number for people admitted over 20 years was 200 million instead of 217 million. Based on his judgment about what might actually happen, he thinks that the number will be 103 million people over 20 years, five times the current rate of immigration into our country today. Based on this finding, that would mean that 20 years from today, 25 percent of the people in this country will not be native born citizens. That is a huge thing. What does that mean to jobs and employment and wages? We haven't thought that through. What have we done to make sure that the people who come here are welcomed and can be met, affirmed and raised in the traditions of America which have created the land of opportunity that attracts people here?

What about those people who came into our country legally or those who may be given amnesty under this bill? They are out working at a little above minimum wage and then, boom, every year, larger and larger numbers of people come in, keeping them down at the minimum wage level, not allowing them to build up their salaries. Those are all problems that we have not thought through in a significant way, but they are big problems. These are huge problems. But there is momentum to pass something. What we hear in the Senate is we need to pass something, to send some sort of signal, I guess, politically or otherwise, that we care. We have to do this.

We need to think. This Senate is supposed to carefully and thoughtfully consider legislation before we pass it. I am going to talk a good bit about it as time goes on throughout this debate. There are so many important things contained in the legislation, so much experiment, unthought-out policies that could be detrimental to our future, that we must discuss them in an effective way.

I guess it was about 3 weeks ago when the bill was previously on the floor and they tried to ram this thing through here. The Democratic leader would not even allow an amendment and they almost passed it. Some of us had to battle and push back. Senator FRIST, the majority leader, finally said we can't operate under this procedure. We are not going to deny our Members the right to have an amendment in the Senate on a piece of legislation that may be as important as Medicare and Social Security. For heaven's sake, that was the scheme of things.

Now we are supposed to move a 600 page piece of legislation through here, with an agreement that only 20 amendments are guaranteed to get a vote, and then we will pass the bill at the end of the week. I don't think we can really fix it by the end of this week, frankly. I don't think there is enough knowledge in the Senate about what is in the legislation to make it possible

for us to reach an agreement on how to fix this.

When we had this issue blowup recently—I guess that is the word you would call it—and they tried to move this through and Senator REID said we would not have any amendments and it was pulled down, I raised the point at that time that we did not fully comprehend the importance of what is in it. We need to study the bill. We need to study the policy behind the bill. Around the country, I called for hearings in the Judiciary Committee, a national discussion on what would be the appropriate way to handle the people who are here illegally.

We are going to handle them in a nice and fair and generous way. What about the people who want to come in the future? What are we going to do about them? We can discuss that. Trust me, that is much larger in this piece of legislation. The people who are allowed under this bill to come here in the future dwarf the 11 million who are here now. We need to have a national dialog, but we have not had it.

We ended up having one hearing, about 2 hours long, maybe a little more. I think three or four Senators came in and out during the hearing. I was there. We had five economists. They made some important points, although not in depth because of the shortage of time. They noted that the bill as written emphasizes low-skilled workers, and all of them agreed that a low-skilled worker—over half of those now coming in do not have a high school education—cost the economy more than they bring in. All the economists agreed on that. A low-skill worker is not a net benefit for America at this point.

They questioned chain migration. They suggested we should question more about the skill sets of people who want to come here. They discussed the fact that there is strong evidence that workers' wages, middle-class and low-end-skill wages today are depressed by larger numbers of immigrants who come in who are willing to work for less.

Why would we think the law of supply and demand worked for every other component of our American economy but doesn't work for labor? How silly is that? Those are some of the things we discussed in the one hearing we had in the Judiciary Committee.

Friday, I came down to the Senate floor. I made a speech just this past Friday, detailing 15 loopholes in the base bill. Each of those loopholes is very significant and raises important questions we need to address. I will point out briefly what some of those are.

Under the bill on the floor today, illegal aliens with felonies or three misdemeanors can get amnesty. That is not what the American people want or what we should want.

Illegal aliens who have previously filed fraudulent asylum applications, prohibited by law from getting am-

nesty or citizenship today, can get amnesty and are put on a path to citizenship.

There is no continuous work requirement. They say the people are here to work, but the bill doesn't require continuous work in any significant way.

They allow evidence that can be produced to prove you have been in the country or been working that is very dubious and will clearly lead to fraud. The bill says you must accept just and reasonable inferences as evidence and that you can have documents from day labor centers and that an alien can file his or her "sworn declaration," and they must be accepted as evidence that the alien satisfies the work requirement.

I pointed out that the bill is fundamentally unfair because it benefits only those who broke the law and not those who followed it and got their work visas to come to the United States or those who left the country when their visa expired as they were supposed to.

Another loophole was that the annual numerical cap is not a cap at all. If it is met each year, it automatically goes up 20 percent without any thought going into that, or discussion.

Furthermore, in-state tuition will be made available to illegal aliens, reversing carefully considered and fully debated law that we passed a number of years ago in the Congress.

These are mostly enforcement loopholes. They deal with amnesty provisions and the enforcement provisions of the bill. They are part of this 614-page bill. But until today, no one has discussed publicly what S. 2611 would do about future immigration or how significant that could be. So we will be discussing that during the course of this debate. I am going to talk about it. I will not be able to complete those remarks tonight, but we will be talking about it the rest of the week, and I think we will see a national discussion begin as a result of the efforts of my staff, and that of the Heritage Foundation, independently, to conclude what the numbers will be.

Who and how many people will be admitted on the path to citizenship under this bill? I think we in the Senate, unfortunately, are blissfully ignorant of the scope and impact of the legislation.

I think most Members of the Senate still believe that the bill language that says "guest workers" is language that means temporary workers when the truth is that virtually all those who will qualify in the future under this bill are not temporary in any way but will be able to stay permanently in this country and will be placed on a direct path to citizenship. That is a fact.

On April 19, when we were trying to decide how to handle all these monumental issues, I wrote to the Judiciary Committee and asked to have hearings on the full impact of this bill which is now before the Senate. I asked a number of questions—see if you don't think these are fair questions to ask about a piece of legislation of this significance.

I asked: What is the estimated numerical impact of each of the proposed immigration programs? Wouldn't you like to know that? What is the numerical impact? How many will come in?

No. 2, how does the future chain migration of family members impact the total immigration numbers on the proposal? We don't know that number. As a matter of fact, in all the numbers we have worked on, we have not tried to calculate it.

Next, what will be the legislation's estimated fiscal impact on the Federal budget, as well as State and local governments' budgets? How much will it impact the Treasury of the United States, the taxpayers? Does anybody know that? The answer is no.

Next, how will entitlement programs such as Medicaid, TANF—welfare—and food stamps be affected? Do we need to know that? Sure.

What level of immigration in the future is in our best national, economic, social, and cultural interests? What is the interest of the United States? What do we need as a country? What would be good for us?

We believe in immigration, we want immigration to continue. I think we might even probably agree that we should increase the number of people who come legally into our country. But what level is correct? Have we discussed that? Have you heard any debate about that?

I next asked what categories of immigrants should compose the overall level of annual immigration. What categories? So I said we need to have a national discussion.

We had one hearing. We had a group of professors for about 2 hours to discuss the general economic principles relating to immigration. It just was not satisfactory. We did not examine in any way the specific provisions of this 600-page piece of legislation.

I sent another letter on April 28 asking our Judiciary Committee to hold five hearings and focus comprehensively on the effects of the proposed legislation. That did not occur. There have never been any hearings on the specifics of this bill. Therefore, as we have gone through it, my staff and I, trying to figure out the numerical impacts of the bill, we came up with some significant numbers. I will not go into the full detail of that tonight. I will talk more about it tomorrow.

I will point out again that these are the charts which show the 20-year impact of 2611. These numbers can be calculated based on the provisions of the bill, but it takes a lot of time and effort. We have charts that go down each provision to calculate what the minimum numbers admitted would be and what the maximum numbers admitted would be.

Under this piece of legislation today, if the caps, the upper limits on the immigration numbers that automatically go upward if they are ever met, don't go up at all and people bring in their families, their spouses and children

who then become citizens, at a minimum 78.7 million people would be admitted over 20 years. That is four times the 18.9 million that the current law allows for today. Who has discussed the impact of that? And absolutely it is going to be more, in my view, than 78.7 million, for any number of reasons I will discuss.

In fact, if all the top quotas were hit, that number would hit 217 million, according to our calculations. The Heritage Foundation calculated the number to be about 200 million, I believe. Though that is the top number, Mr. Rector says a careful, conservative analysis of the legislation would lead him to believe that over 100 million people would actually come into America on a path to citizenship in 20 years. That is his best judgment. If somebody doesn't agree, I would like hear about it. One hundred million is five times the number that now can come into our country. It has not been discussed until today. Nobody has really discussed it but us today, that I know of. It is time to talk about that, wouldn't you think? Did anybody even know this was in the legislation? They would have passed this bill without an amendment just a few weeks ago. That was the plan around here, to move it on to conference. They say: Let's just get it out of here. Don't worry about what is in it, SESSIONS. Don't bother to read it, it is 614 pages. You know you will find something you don't like. That is kind of the talk going on around here.

We decided to read it. My staff actually came away stunned by the breadth and the size and scope of this legislation.

We need to talk about it more. I will have a few amendments. I am not going to try to file too many amendments. But we will talk about it as time goes.

I urge my colleagues to not say to yourself: Well, we need to pass something or I think I will vote for this bill, and maybe they will fix it in conference.

This is a piece of legislation that is extremely important to the people of this country of the United States. It is extremely important for our future as a Nation.

Mr. Rector said it is a matter of huge importance to our Nation.

We need to think about it.

If it is not the piece of legislation you thought it was, if it provides amnesty when they said it didn't, if you thought the workers were temporary and guest workers when they are permanent and on the route to citizenship, and you had no idea the number was going to be 100 million new people in the country permanently on the path to citizenship, five times the current number, then I ask you to vote no.

Let us back up here. Let us fix this bill or let us not pass this bill.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MORNING BUSINESS

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

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

EDUCATION

Mr. REID. Mr. President, as we honor and celebrate America's teachers on National Teacher Appreciation Day, I thought it would be appropriate to say a few words about the state of education in my home State of Nevada.

I had an eye-opening meeting recently with the school superintendents from all corners of Nevada, and they shared the challenges that teachers and students face each day and ideas on what we can do to improve education. With only 17 school districts in the State, we have a unique situation where our education leaders can come together—in one room and around one table—for a discussion of the issues that concern them.

Even more remarkable is the unique diversity of Nevada's school districts. Our 17 school districts range from one of the Nation's largest and most diverse, Clark County, to vast, rural Esmeralda County, which has less than 100 students in the entire district. Such diversity makes Nevada a microcosm of the Nation and provides a snapshot of the varied needs of teachers and students across the country.

I met with many of the same superintendents during the early years of No Child Left Behind implementation to discuss the difficulties that their school districts were having in meeting the requirements of the new law.

When NCLB was passed, there were many who lauded President Bush's commitment to education. After all, who among us would allow any child to slip through the cracks in our education system if we could prevent it? None of us would do that. And at the time, many thought that this sweeping legislation would fill those gaps. Unfortunately, this hasn't been the case.

My own State of Nevada has suffered under the burden of unfunded mandates and punitive measures this law has imposed. But I want to give our educators in Nevada credit: from our teachers to our superintendents, they have all tried hard to comply with this law.

They have robbed Peter to pay Paul with their budgets. They have compromised on teaching art and history classes. They have shortened the time allotted for recess. And they have even tacked on extra reading or math classes.

Instead of resisting these requirements, they have tried to work within it, and I commend them for their unified efforts. But there is only so much they can do with a flawed law.

To be sure, Nevada isn't the only State that has struggled under this law. It is a national problem. School districts across the country are already trying to juggle school construction costs, increasing graduation rates, finding money for textbooks, reducing class sizes, and figuring out what to do about overcrowded high schools.

But, now, in its fourth year of implementation, most of us have heard similar stories about the many problems with No Child Left Behind.

So with an eye toward authorization of NCLB, I asked to meet with the State's school superintendents once again, not so much to discuss problems with the law, but, rather, ways to improve it and make it more responsive to the needs of our students and teachers. One after the other, these educators gave examples of how changes, some minor and others much larger, to the No Child Left Behind Act could help them to reach its stated goal.

No Child Left Behind is based on the premise that we can track the progress of every school by using a one-size-fits-all approach, including standardized tests. And what I heard from these superintendents was that their problems aren't standardized—so a one-size-fits-all approach doesn't always work.

In Clark County, Carla Steinforth talked about accommodating the more than 12,000 students that move into the county each year by building a school nearly every month.

Another of the more pervasive challenges that Nevada as a whole, and Clark County in particular, face: the influx of students who are not native English-speakers. There are so many children entering our public schools who don't speak English that—under the NCLB—most of our public schools will eventually be on the "watch-list" or considered a "failing school."

One idea to deal with the district's growing and constantly changing student population was to implement a "growth model" or accountability. Under such a model, student progress would be measured from year to year, rather than by measuring 1 year of student performance to another, as is currently being done. Keith Rheault, the State superintendent of education, said Nevada is pursuing this idea, under a pilot program that opens up this possibility to just a few States. Everyone, it seems, with the exception of the Federal Government, has recognized the need for greater flexibility under CLB.

A neighboring school system, Nye County, is growing but at a much slower rate than Clark County. Nye County is the largest school district in the continental United States. The superintendent, Rob Roberts, talked about the morale of many of the students, teachers, and parents, when their school has been labeled as a "failing school."

In rural Mineral County, Superintendent Steven Cook discussed the difficulty the district has had in retaining and attracting special education teachers. He talked about the

need for greater flexibility for rural counties with teacher qualification requirements in NCLB. The superintendent of White Pine County, Bob Dolezal, concurred and shared the challenges of ensuring that his high school teaching staff of five, who each have taught multiple subjects, would be considered "highly qualified" to teach all subjects.

Make no mistake about it: The issue is not whether teachers in rural areas should be qualified to teach multiple subjects—they should. However, requiring them to attain "highly qualified" status in all subjects simultaneously is unreasonable.

In other counties, like Douglas County, they have actually seen enrollment decline, as housing costs drove families to less expensive areas. Yet the district has had increased expenses because of onerous NCLB requirements. The superintendent, John Soderman, said he appreciates the accountability principles in the law but also talked about the negative implications of the law's punitive nature.

Mary Pierczynski in Carson City cited NCLB's effect on thinking and creativity. They have over 200 days of curriculum to teach but with only 180 days of school. And standardized testing is taking up more 10 days of that time.

In Humboldt County, it is difficult to get qualified paraprofessionals, and additional requirements will leave many of the schools without aides. Superintendent Charlotte Peterson said that the only other option would be to bring them in from many miles away.

In Eureka County, where there are just a few hundred students, Ben Zunino talked about a feeling of inevitability for schools to be labeled as failing and how one student's performance can often make the difference between a school being labeled as high achieving or needs improvement. To improve this, Lincoln County Superintendent Rick Hardy suggested counting the percentage of students who move into proficiency as a way of recognizing improvement and the hard work of teachers and students.

In Storey County, Rob Slaby is fretful about the time for history and arts that has been lost to testing and preparation for these tests and suggested some kind of credit for these important subjects.

Dottie Merrill from Washoe County, the State's second largest school district, suggested that students who are English-learners not be included in testing until they have been in the United States for a few years, as opposed to 1 year, as is currently in the law. This would give schools the time necessary to help these students transition to school in the United States.

Nearly all superintendents mentioned the struggle to pay for the basics, like school buses and supplies, with the ever-increasing costs of NCLB requirements. If the Federal Government would fully fund NCLB, as it had

promised, it would alleviate some of these hardships.

As an example, many of the districts mentioned the cost to provide transportation for their increasingly scattered student population. In many rural counties, where some students travel up to 150 miles a day for school, transportation expenses can be upwards of 70 percent of the budget. Many districts have had to cut some special events because of rising transportation costs, and all were concerned about the amount school bus costs and high gas prices will cut into their overall budgets.

I have touched on just a few of the problems with the No Child Left Behind Act and some of the ways educators in Nevada have suggested to improve it. It is going to take a lot of hard work to make it what it promised to be: a tool that will help the teachers and students in every public school in America.

Today, as we honor the Nation's teachers for their work and dedication, we must ensure that we keep our promise to America's students. We can't afford to leave them behind.

RECOGNITION OF CHUCK FULKERSON

Mr. REID. Mr. President, today I rise to honor one of the true heroes for Nevada's veterans, retired COL Charles "Chuck" Fulkerson. This man is a Reno native, a war hero, and a dedicated public servant.

I have known Chuck for many years, and I have always appreciated his dedication to improving the lives of veterans in our State. When Chuck spoke about veterans issues, he spoke from a position experience.

In 1955, Chuck enrolled in the Army Reserve while an undergraduate at the University of Nevada-Reno. The Korean war had ended, but our world was still a very unstable place. A few years later when the United States found itself involved in another crisis in Southeast Asia, Chuck answered his Nation's call to service. He went to Vietnam, not once but twice, for tours of combat. After the war, Chuck served his country in Europe before returning home to serve in the Nevada National Guard.

While maintaining his military obligations, Chuck served the citizens of Nevada in a variety of government positions. Gov. Bob List appointed Chuck to be the director of the Nevada Selective Service in 1979. After almost 6 years of service in that role, Gov. Dick Bryan recalled Chuck to active duty when he appointed Chuck to be the director of the property and fiscal officers for the Nevada National Guard.

After almost 40 years of military service, Chuck retired in 1991. He taught military history at the University of Nevada-Reno, but his public service to our State was not yet complete. Gov. Kenny Guinn appointed Chuck to be the executive director of

the Nevada Office of Veterans Services in 2000, an office he faithfully served until this March.

Chuck presided over the Nevada Office of Veterans Services at a critical point in our State's history. Since 1990, Nevada's veterans population has increased by more than 40 percent. This unprecedented growth put strain on many resources in Nevada, but Chuck was never discouraged.

Instead, he worked tirelessly for more staff and additional resources to help Nevada veterans.

Under Chuck's watch, Nevada modernized their veterans services including the completion of a new Veterans Nursing Home in Boulder City. Chuck presided over the construction of this facility, which is home to more than 162 of America's heroes. Another key part of Chuck's work was his effort to improve veterans cemeteries through Nevada, including cemeteries at Boulder City and Fernley. I was pleased to work with Chuck to secure Federal appropriations to expand these cemeteries.

The Board of Regents of the Nevada System of Higher Education has awarded Chuck their highest award, naming him a Distinguished Nevadan. With his long list of accomplishments for Nevada's veterans, Chuck is most deserving of this high honor, and I am pleased to recognize his accomplishments today before the Senate.

PEACE OFFICERS MEMORIAL DAY

Ms. STABENOW. Mr. President, I rise today to acknowledge the brave men and women who lost their lives while serving as law enforcement officers and to thank them for making the ultimate sacrifice.

Today is Peace Officers Memorial Day, a day to honor all the law enforcement officers in our communities who have been killed or disabled in the line of duty. I was proud to join Senator PATRICK LEAHY on S. Res. 472, a Senate resolution, which passed the Senate last week, commemorating this important day.

This past Saturday, thousands of people from across the country gathered at the National Law Enforcement Officers Memorial here in Washington, DC, for a candlelight vigil to honor these fallen officers. And today, there was a Peace Officers Memorial Service in front of the U.S. Capitol for these brave men and women. I am proud that we had a dedicated group of Michigan officers in attendance, representing their fellow officers from around the State.

The names of 466 fallen officers were added to the memorial on Saturday, including 8 officers from Michigan: Lavern Steven Brann, Battle Creek, Michigan; William A. Daniels, Cassopolis, Michigan; Owen David Fisher, Flint, Michigan; Dale Francis Bernock, Dearborn, Michigan; Scot Andrew Beyerstedt, Mattawan, Michigan; Benjamin Lewis Carpenter, Newaygo,

Michigan; Michael Allen Scarbrough, Wayne County, Michigan; and Paul Lee Mickel, Wayne County, Michigan. We honor all of these officers today.

In Michigan, we also remember two officers who recently lost their lives in the line of duty. Less than a month ago, Reserve Officer Matthew Tuttle and Chief Scott Sumner were killed in a helicopter accident in Scio Township while providing aerial support for officers who were involved in a foot pursuit.

Chief Sumner was a 19-year veteran of the Chelsea Police Department, and Officer Tuttle was only 28 years old. Our thoughts and prayers go out to their families and the entire Chelsea Police Department.

Mr. DOMENICI. Mr. President, I commemorate the hard work and sacrifices made daily by law enforcement officers all across our great land. Many have lost their lives in the line of duty so that our families and communities may remain safe. We must never forget those who have given their lives to protect us all.

The annual celebration of Peace Officers Memorial Day and National Police Week during the calendar week has its roots in Public Law 87-726, which was signed into law on October 1, 1962 by President John F. Kennedy. Public Law 87-726 designated this day and week as a time for "recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws." This law was later amended during the 103rd Congress as part of the Violent Crime Control and Law Enforcement Act in 1994 to order the United States flag on all Government buildings displayed at half-staff on May 15.

Since the turn of the last century, more than 60 law enforcement officers have been killed in the line of duty in New Mexico. This year, among other activities, law enforcement officers from around the country honored the lives of three New Mexico police officers whose names were recently added to the National Law Enforcement Officers Memorial in Washington, D.C. One occurred a very long time ago, and the two others just last year.

Officer Michael R. King and Officer Richard W. Smith, Jr., both of the Albuquerque Police Department, are two of the three officers being honored this year. Their deaths occurred on a day that has become ingrained in the hearts of most New Mexicans as one of the bloodiest and most tragic in recent times. Officers King and Smith, longtime veterans of the Albuquerque Police Department, were responding to a call on August 20, 2005 ordering the pickup of a mental health patient from Kaseman Hospital. When they arrived at the scene, Officers King and Smith had no way of knowing that the subject of their call, John Hyde would be implicated in the shooting deaths of three people earlier that day. During the pickup Officers King and Smith were

gunned down in the street before their murderer fled on a motorcycle. It took a force of approximately 300 of their fellow officers to chase down and finally apprehend the man responsible for the deaths of these brave and respected police officers.

The other officer honored this year was gunned down in Hope, New Mexico approximately 108 years ago. At the time, Eddy County Deputy Sheriff Bud Johnson had traveled to Hope in order to serve a warrant on one L.E. Pratt in regard to an infraction over water control. According to the Eddy County Sheriff's Department, Pratt shot and killed Bud Johnson with a shotgun when he was notified of the warrant. Deputy Sheriff Johnson died immediately.

Deputy Johnson's death shows us that the dangers of police work have been present throughout the long history of our Nation. All too recently, citizens of New Mexico mourned the loss of Deputy James McGrane, Jr., who was killed on March 22, 2006 during a traffic stop in Tijeras, NM. While we remember those who have lost their lives, we also take solace in the fact that many others have been able to survive the dangers of duty. Officer John Garcia, Officer Josh Otzenberger, Sergeant Carol Oleksak, Deputy Shaun Sanchez, and Sheriff's pilot Chris Holland were all shot during the past two years while protecting our communities. We are thankful that most of them survived these close brushes with death and were able to return to duty.

We should remember their dedication to protect and serve, and the tragic price they paid for that devotion. We must also remember the families of all fallen officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their lives in the line of duty. To all who have paid the ultimate price and to those who continue to serve, may we forever be grateful and never take for granted what you do. You have my utmost admiration.

MARLBORO MUSIC FESTIVAL

Mr. LEAHY. Mr. President, Just south of Route 9 in southern Vermont, along a tree-lined road, lies one of Vermont's distinctive destinations, Marlboro College. Walk through this picturesque school in the summer months and you will hear some of the sweetest melodies imaginable, or you may be enveloped by warm pulses of sound that seem to linger like the wispy clouds above. The sounds you hear are those of another year of the Marlboro Music Festival.

Since its founding in 1951, this 8-week festival—one of the world's premiere chamber music workshops and weekend concert series—brings some of the most renowned and experienced musicians together with the rising stars of tomorrow.

This year has marked the 40th anniversary of the Musicians From Marlboro, the festival's active touring program which sends the musicians on the road to perform periodically across the country. At some of the Nation's premier venues, including historic places like the Freer Gallery in Washington and the Metropolitan Museum of Art in New York, the concerts feature the exceptional music heard first in the Marlboro Music Festival.

As this remarkable event approaches again this year, spanning the gorgeous Vermont months of June through August, it is fitting to pause to note the accomplishments of the Musicians From Marlboro and the entire Marlboro Music Festival. For four decades, the festival's touring group has brought their music to every corner of the United States. For four decades, the musicians have set a model of artistic excellence that has inspired other musicians and artists and their audiences. This band of musicians—outwardly casual but hard-driven in their pursuit of beauty and truth in their art—has moved thousands of concert-goers.

The touring group has featured such superb musicians as Rudolph Serkin, Richard Goode, Benita Velente, and Murray Perahia. Performers who went on to make up such noted ensembles as the Guarneri and Emerson String Quartets have received critical early boosts from the Marlboro experience of intensive summers and the tours. Their alumni can be found in many leading orchestras, from the Philadelphia Orchestra to the Chicago Symphony Orchestra.

There is certainly something about Vermont and the Green Mountains that helps inspire the ensemble. Whatever the inspiration, the Musicians From Marlboro are a superb reflection of the best Vermont has to offer.

Vermont is a richer place because of the Marlboro Music Festival, and the festival and its musicians have touched innumerable audiences across the country with their artistry. I know my colleagues join me in congratulating the Marlboro Music Festival and its Musicians From Marlboro on this great achievement of 40 years of touring and in wishing the festival many more happy and sonorous decades to come.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

In the summer of 1988 in Orange County, CA, a group of six youths went

on a spree of beatings that police say was targeted at gay men. Robert Joyce testified that while walking along a stretch of coast popular to gay people, he was attacked by the youths. According to police reports, Joyce was beaten for several minutes, including being hit in the head with a 2-inch metal pipe. He required 80 stitches to mend his wounds. During the attack the attackers yelled, "Kill him! kill him! kill the faggot!" The group of youths attacked several other gay men in the area before being apprehended by police.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PROTECTING AMERICA'S MINERS ACT

Mr. KENNEDY. I am proud to have introduced the Protecting America's Miners Act.

The need for this legislation is clear. This year began with the terrible tragedies at the Sago and Alma mines in West Virginia. Within days of the new year, 14 coal miners had died. In February, I went to West Virginia to meet with some of the families of the men who died. It was one of the most moving visits I have had in my career in the Senate. I left West Virginia with renewed commitment to passing legislation this year to improve safety and health conditions in our Nation's mines. The expert testimony at the HELP Committee hearing on mine safety in March only reinforced my commitment.

I was also deeply moved earlier this month by the West Virginia hearings on the Sago mine disaster and Randal McCloy's letter to his fallen coworkers' families about the conditions in the mine after the explosion. We have lost 26 coal miners so far this year—more than died in all of last year. The victims of these disasters and of prior disasters, like the explosion at Jim Walters No. 5, deserve nothing less than our dedication to making sure that they did not die in vain. The best way we can honor those fallen miners is to act on what we have learned. This bill is an important step in fulfilling that commitment.

There are many things we may still learn from these tragedies. But some lessons are already clear. We have not done enough to provide miners with oxygen and communications needed to survive an emergency. We must strengthen our safety enforcement so companies cannot treat safety violations as simply the cost of doing business. The average fine at the Sago mine was just \$156 dollars—less than most parking tickets. And many safety and health standards are woefully outdated.

To address these lessons, this bill requires warning systems to alert miners when the air in the mine is becoming dangerous, before a disaster occurs; the most up-to-date communications and tracking technology in mines as soon as possible so rescuers can locate and direct miners in an emergency; more oxygen stored in mines so miners can survive until they can evacuate or are rescued; rescue chambers so, as a last resort, if miners cannot evacuate, they can safely await rescue in the mine; and increased penalties for repeat violators and minimum penalties.

In addition, some very specific problems at the Sago mine came to light during the hearings this month in West Virginia, such as ineffective equipment, lack of communications, and families' exclusion from the investigation process. To address this, the bill requires companies to check on the reliability of the oxygen stored for use in an emergency; independent investigations and public hearings on serious accidents; and an opportunity for victims' families to participate in accident investigations.

This bill not only tries to learn from past disasters but also looks to the future. The bill includes a program to help MSHA replace its aging inspector workforce. These new safety standards will do no good if MSHA cannot properly staff its inspection teams to ensure that the new standards are being enforced. It also directs Federal research dollars where they are most urgently needed—to develop better breathing apparatus, communications technology, atmospheric warning systems, and mine rescue technology.

We have a responsibility as Members of Congress to see that our mine safety laws make our mines the safest in the world. I urge my colleagues to support the Protecting America's Miners Act.

ADDITIONAL STATEMENTS

HONORING THE HONORABLE CHARLES L. YOUNG, SR.

• Mr. COCHRAN. Mr. President, it is my pleasure to congratulate the Honorable Charles L. Young, Sr. of Meridian, MS, for his 25 years of service as a member of the Mississippi House of Representatives. As chairman of the House Universities and Colleges Committee, he has worked effectively to improve the quality of education in our State.

Representative Young served his country as a member of the U.S. Army during the Korean war and was honored with the Bronze Star for Valor.

He has been recognized by his colleagues as a leader in the field of education, entrepreneurship, and social justice. As a pioneer in the civil rights movement, Representative Young was the first African-American member of the Meridian Chamber of Commerce. He has been a leader in the business community as chief executive officer

and President of E.F. Young, Jr., Manufacturing Company, a business that his parents started in 1931.

He was one of the founders of Mississippi Action for Progress, which was the parent organization in our State for Head Start. Mr. Young is also one of the founders of the Greater Meridian Health Clinic, which operates in six locations and has a mobile dental lab.

He is a member of Newell Chapel C.M.E. Church, and he sponsors a tennis camp for over 100 children each year.

Mr. President, I commend Representative Young for his exemplary citizenship and service to the residents of Lauderdale County and the State of Mississippi. I am proud to be his friend.●

RECOGNITION OF THE 150TH ANNIVERSARY OF THE OWOSSO MASONIC LODGE

• Mr. LEVIN. Mr. President, I would like to take this opportunity to congratulate the Owosso Masonic Lodge on its 150th anniversary. This is a significant milestone, and it is with pleasure that I thank the lodge for its many years of dedicated service to greater Owosso community. Tomorrow, a celebration will be held to commemorate this special occasion.

Service organizations play an important role in American society. These organizations play a key role in building stronger communities, often providing assistance to those most in need. The Owosso Masonic Lodge, which was chartered in January 1856 by the Grand Lodge of Michigan, has served the community well and has much of which to be proud. This lodge has worked to bring groups together over the years and has helped members work to achieve strong ethical standards.

I would also like to join the lodge in showing appreciation for the efforts of the 40- 50- and 80-year lodge members, who will be recognized at the celebration tomorrow. Among this group is Mr. George Hoddy, who at 100 years of age continues to be active in working to improve Owosso and the State of Michigan. I would like to recognize his long and distinguished membership in the Owosso Masonic Lodge. Mr. Hoddy's businesses have been a cornerstone of the local economy for many decades.

I know my colleagues join me in thanking the Owosso Masonic Lodge for 150 years of dedication and service to the community, and I wish them the best as they embark on another 150 years of distinguished service.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:25 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. 5122. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The message also announced that pursuant to 46 U.S.C. 1295b(h), and the order of the House of December 18, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Merchant Marine Academy: Mrs. MCCARTHY of New York.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5122. An act to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4954. An act to improve maritime and cargo security through enhanced layered defenses, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6835. A communication from the Administrator, Environmental Protection Agency, transmitting, the report of draft legislation entitled "Good Samaritan Clean Watershed Act" received on April 11, 2006; to the Committee on Environment and Public Works.

EC-6836. A communication from the Secretary of Energy, transmitting, the report of proposed legislation to provide protection against claims to the independent petroleum engineer retained to assist in the finalization of equity interests in the Naval Petroleum Reserve Elk Hills Unit; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM-319. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Kentucky relative to urging support for the "25 by 25" initiative promoting agricultural-based renewable energy; to the Committee on Agriculture, Nutrition, and Forestry.

RESOLUTION

Whereas, having an affordable, reliable, and plentiful energy supply is crucial to our economy, as well as our national and international food supply; and

Whereas, current and future risks to U.S. energy security are mounting, while domestic and global energy demands are escalating; and

Whereas, the Commonwealth of Kentucky has tremendous renewable energy resources; and

Whereas, the development of renewable energy sources, including wind power, biodiesel, biomass, methane digesters, ethanol, and solar, benefits the environment and will have a direct economic benefit to agricultural landowners and rural communities; and

Whereas, agricultural communities and their partners will experience multiple benefits, including establishing additional markets for agricultural commodities; increasing farm income; creating added-value uses for crops, livestock, and their byproducts; and creating new job opportunities; and

Whereas, American agriculture is well positioned to play an expanded role in the development and implementation of new energy solutions; and

Whereas, America's farms and ranches can become the factories that produce a new generation of fuels to help meet the nation's energy needs; and

Whereas, "25 by 25" is an agriculturally led initiative that envisions America's farms and ranches producing 25 percent of America's energy demand by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber; and

Whereas, agriculture's role as an energy producer will have a positive effect on national security and trade imbalances, and will serve as a catalyst for rural development in the Commonwealth of Kentucky; now, therefore, be it

Resolved, by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. We, the members of the Kentucky House of Representatives, support and endorse the vision of "25 by 25" whereby agriculture will provide 25 percent of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber.

Section 2. The Clerk of the House of Representatives is directed to send copies of this Resolution to President George W. Bush, each member of the Kentucky delegation to the Congress of the United States, the Clerk of the United States Senate, the Clerk of the United States House of Representatives, the Secretary of the United States Department of Energy, and the Secretary of the United States Department of Agriculture.

POM-320. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to taking such actions as are necessary to continue funding and operation of the United States Department of Agriculture's Agriculture Research Service located in Baton Rouge, Louisiana; to the Committee on Agriculture, Nutrition, and Forestry.

S. CON. RES. NO. 35

Whereas, the unit of the United States Department of Agriculture's Agricultural Re-

search Service (ARS) based at Louisiana State University in Baton Rouge, Louisiana, is carrying out scientific work of critical importance to the state, its economy, and environment; and

Whereas, this research includes work on improvements of agricultural best management practices and drainage systems that will help farmers to improve efficiency of water use and contribute to improving water quality in streams, rivers, and lakes; and

Whereas, a portion of this research is focused on Cabin Teele watershed in Madison Parish, which has been selected as a focus watershed by the United States Department of Agriculture's Conservation Effects Assessment Project and by the Lower Mississippi River Sub-basin Committee on Hypoxia; and

Whereas, this work is also significant on a national level, since this ARS unit has played a leadership role in the formation of the Agricultural Drainage Management Task Force that involves key states and industries in the Midwestern United States; and

Whereas, the work of the Agricultural Drainage Management Task Force is making a critical contribution to reducing nutrient loading to the Mississippi River and its tributaries that fuels the growth of hypoxia in the Gulf of Mexico, the spread of which is endangering Louisiana's coastal fisheries; and

Whereas, this ARS unit continues to collaborate with the university's students, faculty, and researchers, as well as agricultural producers and other stakeholder groups on projects of mutual benefit; now, therefore, be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to continue funding and operation of the United States Department of Agriculture's Agricultural Research Service located in Baton Rouge, Louisiana; and be it further

Resolved, that a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives; to each member of the Louisiana congressional delegation; and to the secretary of the United States Department of Agriculture.

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. LEVIN (for himself and Ms. STABENOW):

S. 2799. A bill to suspend temporarily the duty on 4-Methoxy-2-methyldiphenylamine; to the Committee on Finance.

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

S. 2800. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2801. A bill to amend chapters 83 and 84 of title 5, United States Code, to authorize payments to certain trusts under the Social Security Act, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENSIGN (for himself, Mr. STEVENS, and Mrs. HUTCHISON):

S. 2802. A bill to improve American innovation and competitiveness in the global economy; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT:

S. Res. 477. A resolution commemorating the 30th anniversary of the date that Rick Monday heroically rescued the American Flag from being desecrated and recognizing Rick Monday for his courage and patriotism; considered and agreed to.

By Mr. LAUTENBERG:

S. Res. 478. A resolution commemorating the development of the charge-coupled device; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. BOXER, Mr. KERRY, Mr. DURBIN, Mr. BINGAMAN, Mr. KENNEDY, Mr. INOUE, and Mr. DODD):

S. Res. 479. A resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1064

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1112

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

S. 1353

At the request of Mr. REID, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1906

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1906, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 2035

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2035, a bill to extend the time required

for construction of a hydroelectric project in the State of Idaho, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from South Carolina (Mr. DEMINT), the Senator from Arizona (Mr. KYL) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2369

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2369, a bill to require a more reasonable period for delayed-notice search warrants, to provide enhanced judicial review of FISA orders and national security letters, to require an enhanced factual basis for a FISA order, and to create national security letter sunset provisions.

S. 2459

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2459, a bill to improve cargo security, and for other purposes.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) 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. 2512

At the request of Mr. DEMINT, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2512, a bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes.

S. 2653

At the request of Mr. STEVENS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2653, a bill to direct the Federal Communications Commission to make efforts to reduce telephone rates for Armed Forces personnel deployed overseas.

S. 2658

At the request of Mrs. MURRAY, her name 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.

At the request of Mr. LEAHY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2658, *supra*.

At the request of Mr. BOND, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 2658, *supra*.

S. 2681

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2681, a bill to amend title 10, United States Code, to provide for reports on the withdrawal or diversion of equipment from Reserve units to other Reserve units being mobilized, and for other purposes.

S. 2697

At the request of Mr. LUGAR, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2697, a bill to establish the position of the United States Ambassador for ASEAN.

S. 2703

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2723

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2723, a bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA-PD plan to promptly pay claims submitted under part D, and for other purposes.

S. 2783

At the request of Mr. LOTT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2783, a bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico.

S. 2795

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2795, a bill to exclude from admission to the United States aliens who have made investments contributing to the enhancement of the ability of Cuba to develop its petroleum resources, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the free trade agreement between the United States and Taiwan.

S. RES. 313

At the request of Mr. FRIST, his name was added as a cosponsor of S. Res. 313,

a resolution expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and to educate the public on ways to help prevent the use of that damaging narcotic.

S. RES. 472

At the request of Mr. SPECTER, his name and the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 472, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 2800. A bill to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

Mr. INHOFE. Mr. President, I rise today for myself and on the behalf of my colleague, Dr. COBURN, to introduce a bill to honor the memory an American hero and proud son from our great state of Oklahoma. Ernest Childers was the first Native American to receive the Congressional Medal of Honor. This is our Nation's highest military award and it was awarded to him by Congress "for conspicuous gallantry and intrepidity at risk of life above and beyond the call of duty in action."

Ernest Childers was born in Broken Arrow, OK, on February 1, 1918, as the third of five children. His father died when he was young and he grew up mostly on a farm. His hunting skills in his youth provided much of the food for his family and formed the basis of a great military career.

Ernest Childers enlisted in the Oklahoma National Guard in 1937 while attending the Chilocco Indian School in north-central Oklahoma. He then went to Fort Sill in Lawton, OK, for basic training before being deployed to Africa in World War II. On September 22, 1943, despite a broken instep that forced him to crawl, 2nd Lieutenant Childers advanced against enemy machine gun nests in Oliveto, Italy, killing two snipers and capturing an enemy mortar observer in the process. His actions were instrumental in helping the Americans win the Battle of Oliveto and won him the Congressional Medal of Honor. He continued his career in the Army earning several other military awards including the Combat Infantry Badge, Europe and Africa Campaign Medals, The Purple Heart, The Bronze Star, and the Oklahoma Distinguished Service Cross. He retired from the Army in August of 1965 as a Lieutenant Colonel in Oklahoma's 45th Infantry Division.

Ernest Childers passed away on March 17, 2005 and was Oklahoma's last

Congressional Medal of Honor winner still living in the state. He was an honored guest of many Presidential Inaugurations and as a Creek Indian, was named Oklahoma's Most Outstanding Indian by the Tulsa Chapter of the Council of American Indians in 1966. He once said "The American Indian has only one country to defend, and when you're picked on, the American Indian never turns his back." Mr. President, I am proud and believe it is only appropriate to introduce a bill to rename the Department of Veterans Affairs' Outpatient Clinic in Tulsa, Oklahoma, the Ernest Childers Department of Veterans Affairs Outpatient Clinic to honor the enduring legacy of a true hero and fine soldier.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 477—COMMEMORATING THE 30TH ANNIVERSARY OF THE DATE THAT RICK MONDAY HEROICALLY RESCUED THE AMERICAN FLAG FROM BEING DESECRATED AND RECOGNIZING RICK MONDAY FOR HIS COURAGE AND PATRIOTISM

Mr. LOTT submitted the following resolution; which was considered and agreed to:

S. RES. 477

Whereas, on April 25, 1976, Rick Monday played centerfield for the Chicago Cubs in a game against the Los Angeles Dodgers at Dodger Stadium;

Whereas, during the 4th inning of that game, 2 individuals ran onto the outfield of Dodger Stadium, doused an American Flag with lighter fluid, and attempted to set the Flag on fire;

Whereas, once Rick Monday recognized that those individuals were about to publicly desecrate the American Flag, he quickly ran towards those individuals and grabbed the American Flag from them just as they were attempting to place a lit match on to the Flag;

Whereas the patriotic act of Rick Monday to rescue the American Flag inspired—

(1) the crowd at Dodger Stadium to stand in ovation and spontaneously begin singing "God Bless America";

(2) millions of citizens throughout the United States, especially those citizens who were serving or had served in the Armed Forces; and

(3) citizens of the United States who today continue look to the Flag as a symbol of liberty and justice;

Whereas Rick Monday, after reflecting on his act of rescuing the American Flag, said: "That flag represents all the rights and freedoms that we have in this country. If you desecrate the flag, you desecrate the efforts of all the people who fought and died to protect those rights and freedoms.";

Whereas the Major League Baseball Hall of Fame recognizes the actions taken by Rick Monday when he saved the American Flag as 1 of the 100 Classic Moments in the history of baseball;

Whereas Rick Monday served the United States honorably and courageously in the Marine Corps Reserve for over 6 years;

Whereas Rick Monday was a 2-time Major League Baseball All-Star during his distinguished, 19-year career; and

Whereas April 25, 2006, marked the 30th anniversary of the date that Rick Monday

saved the American Flag from being desecrated: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 30th anniversary of the date that Rick Monday heroically rescued the American Flag from being desecrated;

(2) recognizes Rick Monday for—

(A) his courage and patriotism;

(B) upholding the noble ideals and freedoms represented by the American Flag; and

(C) honoring the men and women whose sacrifices have protected those ideals and freedoms;

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Rick Monday;

(B) the National Baseball Hall of Fame and Museum in Cooperstown, New York;

(C) the Commissioner of Major League Baseball, Bud Selig;

(D) the owner of the Los Angeles Dodgers owner, Frank McCourt; and

(E) the owner of the Chicago Cubs, the Tribune Company.

SENATE RESOLUTION 478—COMMEMORATING THE DEVELOPMENT OF THE CHARGE-COUPLED DEVICE

Mr. LAUTENBURG submitted the following resolution; which was considered and agreed to:

S. RES. 478

Whereas charge-coupled device (commonly referred to as "CCD") technology revolutionized imaging equipment and has significantly affected society by improving quality of life and the technological capabilities of everyday tools and equipment;

Whereas the CCD is widely used in technology, including digital cameras, video recorders, space-based telescopes, satellites, and medical imaging devices;

Whereas Willard S. Boyle of Halifax, Nova Scotia, and George E. Smith of New Barnegat, New Jersey, have advanced society through their development of the CCD while working at the Murray Hill, New Jersey, Bell Labs site in 1969; and

Whereas Mr. Boyle and Mr. Smith have been awarded the 2006 Charles Stark Draper Prize by the National Academy of Engineering and inducted into the Nation Inventors Hall of Fame for their invention; Now, therefore, be it

Resolved, That the Senate commemorates the development of the charge-coupled device.

SENATE RESOLUTION 479—SUPPORTING THE GOALS AND IDEAS OF A CHILD CARE WORTHY WAGE DAY

Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. BOXER, Mr. KERRY, Mr. DURBIN, Mr. BINGAMAN, Mr. KENNEDY, Mr. INOUE, and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas approximately 13,000,000 children are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,000,000 workers;

Whereas these workers indirectly add \$580,000,000,000 to the economy by enabling millions of parents to perform their own jobs;

Whereas the average salary of early care and education workers is \$18,060 per year, and only ⅓ have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and intellectual skills, and be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources may be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible to all families;

Whereas additional training and education for the child care workforce is critical to ensuring high-quality early learning environments, and whereas child care workers should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, A Project of the American Federation of Teachers Educational Foundation and other early childhood organizations recognized May 1 as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2006, as National Child Care Worthy Wage Day, and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3960. Mr. FEINGOLD 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.

SA 3961. Mr. CORNYN (for Mr. ISAKSON) proposed an amendment to the bill S. 2611, supra.

SA 3962. Mr. CORNYN (for Mr. KYL (for himself and Mr. CORNYN)) submitted an amendment intended to be proposed by Mr. CORNYN to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3963. Mr. VITTER (for himself, Mr. CHAMBLISS, Mr. GRASSLEY, and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3964. Mr. VITTER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3965. Mr. CORNYN (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3966. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3967. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3968. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3969. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3970. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3971. Mr. OBAMA (for himself, Mrs. FEINSTEIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3972. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3973. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3974. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3975. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3976. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3977. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3978. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3979. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3980. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3981. Mr. BINGAMAN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3982. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3983. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3984. Mr. LEVIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3985. Mr. ENSIGN (for himself, Mr. SANTORUM, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3986. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3987. Mr. GRASSLEY (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3988. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3989. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3990. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3991. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3992. Mr. GRASSLEY (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 3993. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3960. Mr. FEINGOLD 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 end, add the following:

TITLE VIII—WARTIME TREATMENT STUDY ACT

SEC. 801. SHORT TITLE.

This title may be cited as the "Wartime Treatment Study Act".

SEC. 802. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 803. DEFINITIONS.

In this title:

(1) DURING WORLD WAR II.—The term “during World War II” refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term “European Americans” refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term “Italian Americans” refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term “German Americans” refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term “European Latin Americans” refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

CHAPTER 1—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 811. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this chapter as the “European American Commission”).

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 812. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportation of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the

lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 811(e).

SEC. 813. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 814. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 815. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, \$500,000 shall be available to carry out this chapter.

SEC. 816. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

CHAPTER 2—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 821. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this chapter as the “Jewish Refugee Commission”).

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 822. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 821(e).

SEC. 823. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND CO-OPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 824. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the

competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 825. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, \$500,000 shall be available to carry out this chapter.

SEC. 826. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

SA 3961. Mr. CORNYN (for Mr. ISAKSON) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 53, between lines 14 and 15, insert the following:

SEC. 133. BORDER SECURITY CERTIFICATION.

The Secretary may not implement any program authorized by this Act, or by amendments made under this Act, which grants legal status to any individual, or adjusts the current status of any individual, who enters or entered the United States in violation of Federal law unless the Secretary has submitted a written certification to the President and Congress that the border security measures authorized under Title I and the increases in Federal detention space authorized under section 233 have been fully completed and are fully operational.

SA 3962. Mr. CORNYN (for Mr. KYL (for himself and Mr. CORNYN)) submitted an amendment intended to be proposed by Mr. CORNYN 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:

On page 358, line 3, insert “(other than subparagraph (C)(i)(II))” after “(9)”.

On page 359, strike lines 9 through 12, and insert the following:

“(6) INELIGIBILITY.—

“(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

“(i) the alien has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

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

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

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

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

“(iv) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

“(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

“(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien, such as serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien.

On page 376, strike lines 13 through 20 and insert the following:

“(4) INELIGIBILITY.—

“(A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

“(i) has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

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

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

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

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

“(iv) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall

remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

“(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

“(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien, such as serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien.

SA 3963. Mr. VITTER (for himself, Mr. CHAMBLISS, Mr. GRASSLEY, and Mr. SANTORUM) 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:

Strike sections 601 through 614.

SA 3964. Mr. VITTER (for himself and Mr. GRASSLEY) 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:

Beginning on page 350, strike line 1 and all that follows through “inference.” on page 351, line 1, and insert the following:

“(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

“(aa) bank records;

“(bb) business records;

“(cc) sworn affidavits from non-relatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

“(dd) remittance records.

“(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

On page 374, line 22, insert after “work” the following: “, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information”

SA 3965. Mr. CORNYN (for himself and Mr. KYL) 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:

On page 295, strike lines 14 through 16 and insert the following:

“(B) by the alien, if—

“(i) the alien has maintained such non-immigrant status in the United States for a continuous period of not less than 4 years;

“(ii) an employer attests that the employer will employ the alien in the offered job position; and

“(iii) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the job position.

SA 3966. Mr. COBURN 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. . NULLIFICATION OF EXECUTIVE ORDER AND PROHIBITION OF FUNDS.

(a) NULLIFICATION OF EFFECT OF EXECUTIVE ORDER.—Executive Order 13166, issued August 16, 2000 (65 Fed. Reg. 50121) (relating to improving access to services for persons with limited English proficiency), is null and void and shall have no force or effect.

(b) PROHIBITION AGAINST USE OF FUNDS FOR CERTAIN PURPOSES.—No funds appropriated pursuant to any provision of law may be used to promulgate or enforce any executive order that creates an entitlement to services provided in any language other than English.

SA 3967. Mr. ALEXANDER 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:

Strike sections 642 and 643.

SA 3968. Mr. ALLARD 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. . COMPREHENSIVE METHAMPHETAMINE PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the President, in coordination with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, shall submit to the Chairman of Committee on the Judiciary of the Senate and the Chairman of the Committee on the Judiciary of the House of Representatives a formal plan that outlines the diplomatic, law enforcement, and other procedures that the Federal Government should implement to reduce the amount of Methamphetamine being trafficked into the United States.

(b) CONTENTS OF PLAN.—The plan under subsection (a) shall, at a minimum, include—

(1) a specific timeline for engaging elected and diplomatic officials in a bilateral process focused on developing a framework to reduce the inflow of Methamphetamine into the United States;

(2) a specific plan to engage the 5 countries who export the most pseudoephedrine, ephedrine, phenylpropanolamine, and other such Methamphetamine precursor chemicals during calendar year preceding the year in which the plan is prepared; and

(3) a specific plan to outline what, if any, additional funding is needed to secure the border, ports of entry, or any other Methamphetamine trafficking windows that are

currently being exploited by Methamphetamine traffickers.

(c) GAO REPORT.—Not later than 100 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the committees of Congress referred to in subsection (a), a report to determine whether the President is in compliance with this section.

SA 3969. Mr. KYL (for himself and Mr. CORNYN) 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:

Beginning on page 295, strike line 8 and all that follows through page 297, line 2, and insert the following:

“(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.”.

SA 3970. Mr. KYL (for himself and Mr. CORNYN) 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:

On page 358, line 3, insert “(other than subparagraph (C)(i)(II))” after “(9)”.

On page 359, strike lines 9 through 12, and insert the following:

“(6) INELIGIBILITY.—

“(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

“(i) the alien has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

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

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

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

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

“(iv) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

“(i) demonstrates that the alien did not receive notice of removal proceedings in ac-

cordance with paragraph (1) or (2) of section 239(a); or

“(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien, such as serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien.

On page 376, strike lines 13 through 20 and insert the following:

“(4) INELIGIBILITY.—

“(A) IN GENERAL.—The alien is ineligible for Deferred Mandatory Departure status if the alien—

“(i) has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

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

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

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

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

“(iv) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

“(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or

“(ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien, such as serious illness of the alien or serious illness or death of the spouse, child, or parent of the alien.

SA 3971. Mr. OBAMA (for himself, Mrs. FEINSTEIN, and Mr. BINGAMAN) 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:

Beginning on page 266, strike line 13 and all that follows through 267, line 3, and insert the following:

“(C) PREVAILING WAGE LEVEL.—For purposes of subparagraph (A)(ii), the prevailing wage level shall be determined in accordance as follows:

“(i) If the job opportunity is covered by a collective bargaining agreement between a union and the employer, the prevailing wage

shall be the wage rate set forth in the collective bargaining agreement.

“(ii) If the job opportunity is not covered by such an agreement and it is in an occupation that is covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be the appropriate statutory wage.

“(iii)(I) If the job opportunity is not covered by such an agreement and it is in an occupation that is not covered by a wage determination under a provision of subchapter IV of chapter 31 of title 40, United States Code, or the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), the prevailing wage level shall be based on published wage data for the occupation from the Bureau of Labor Statistics, including the Occupational Employment Statistics survey, Current Employment Statistics data, National Compensation Survey, and Occupational Employment Projections program. If the Bureau of Labor Statistics does not have wage data applicable to such occupation, the employer may base the prevailing wage level on another wage survey approved by the Secretary of Labor.

“(II) The Secretary shall promulgate regulations applicable to approval of such other wage surveys that require, among other things, that the Bureau of Labor Statistics determine such surveys are statistically viable.

On page 273, line 7, strike “unskilled and low-skilled workers” and insert “workers who have not completed any education beyond a high school diploma”.

On page 273, line 9, strike “11.0” and insert “9.0”.

SA 3972. Mr. LEAHY 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:

On page 307, strike line 1 and all that follows through page 313, line 22.

SA 3973. Mr. LEAHY 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:

On page 336, line 4, insert “and” after the semicolon at the end.

On page 336, strike line 5 and all that follows through “(4)” on line 7, and insert “(3)”.

On page 336, line 13, strike “degree.” and insert “degree; and”.

On page 336, between lines 13 and 14, insert the following:

“(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i), except that the alien's actual course of study may involve a distance learning program, for which the alien is temporarily visiting the United States for a period not to exceed 30 days.”.

SA 3974. Mr. LEAHY 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. —. INADMISSIBILITY EXCEPTION FOR ALIENS WHO INVOLUNTARILY PROVIDE MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

Section 212(a)(3)(B) (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi)(III), by striking “not, which” and inserting “not, that the Secretary of the State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has certified”; and

(2) by adding at the end the following:

“(vii) EXCEPTION FOR INVOLUNTARY MATERIAL SUPPORT.—An individual shall not be considered to have provided material support for a terrorist organization or activity under clause (iv)(VI) if the individual establishes, to the satisfaction of the Secretary of State, the Attorney General, or the Secretary of Homeland Security, that such support was involuntary or provided to protect the alien or another person from the use of, or the threat of, unlawful force that a reasonable person in the alien's situation would not have resisted.”.

SA 3975. Mr. GRAHAM 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:

On page 8, between lines 20 and 21, insert the following:

(3) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SA 3976. Mr. INHOFE 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:

On page 31, between lines 6 and 7, insert the following:

SEC. 115. STUDY AND REPORT ON THE USE OF TECHNOLOGY TO PREVENT UNLAWFUL IMMIGRATION.

(a) STUDY.—The Secretary of Homeland Security shall conduct a study of available technology, including radar animal detection systems, that could be utilized to—

(1) increase the security of the international borders of the United States; and

(2) permit law enforcement officials to detect and prevent illegal immigration.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report, which shall include—

(1) the results of the study carried out under subsection (a); and

(2) the recommendations of the Secretary related to the efficacy of the technologies studied.

SA 3977. Mr. INHOFE 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. ____ CRIMINAL PENALTIES FOR FORGERY OF FEDERAL DOCUMENTS.

(a) IN GENERAL.—Chapter 25 of title 18, United States Code, is amended by adding at the end the following:

“§ 515. Federal records, documents, and writings, generally

“Any person who—

“(1) falsely makes, alters, forges, or counterfeits any Federal record, Federal document, Federal writing, or record, document, or writing characterizing, or purporting to characterize, official Federal activity, service, contract, obligation, duty, property, or chose;

“(2) utters or publishes as true, or possesses with intent to utter or publish as true, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

“(3) transmits to, or presents at any office, or to any officer, of the United States, any record, document, or writing described in paragraph (1), knowing, or negligently failing to know, that such record, document, or writing has not been verified, has been inconclusively verified, is unable to be verified, or is false, altered, forged, or counterfeited;

“(4) attempts, or conspires to commit, any of the acts described in paragraphs (1) through (3); or

“(5) while outside of the United States, engages in any of the acts described in paragraphs (1) through (3), shall be fined under this title, imprisoned not more than 10 years, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 514 the following:

“515. Federal records, documents, and writings, generally.”.

SA 3978. Mr. INHOFE 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 end of title I, insert the following:

Subtitle F—National Border Neighborhood Watch Program

SEC. 161. NATIONAL BORDER NEIGHBORHOOD WATCH PROGRAM.

The Commissioner of the Bureau of United States Customs and Border Protection (in this subtitle referred to as the “Commission”) shall establish a National Border Neighborhood Watch Program (in this subtitle referred to as the “NBNW Program”) to permit retired law enforcement officers and civilian volunteers to combat illegal immigration into the United States.

SEC. 162. BRAVE FORCE.

(a) ESTABLISHMENT.—There is established in the United States Bureau of Customs and Border Protection (in this subtitle referred to as “CBP”) a Border Regiment Assisting in Valuable Enforcement Force (referred to in this subtitle as “BRAVE Force”), which shall consist of retired law enforcement officers, to carry out the NBNW Program.

(b) RETIRED LAW ENFORCEMENT OFFICERS.—In this section, the term “retired law enforcement officer” means an individual who—

(1) has retired from employment as a Federal, State, or local law enforcement officer; and

(2) has not reached the Social Security retirement age (as defined in section 216(l) of the Social Security Act (42 U.S.C. 416(l))).

(c) EFFECT ON PERSONNEL CAPS.—Employees of BRAVE Force hired to carry out the NBNW Program shall be considered as additional agents and shall not count against the CBP personnel limits.

(d) RETIRED ANNUITANTS.—An employee of BRAVE Force who has worked for the Federal Government shall be considered a rehired annuitant and shall have no reduction in annuity as a result of salary payment for such employees' service in the NBNW Program.

SEC. 163. CIVILIAN VOLUNTEERS.

(a) IN GENERAL.—The CBP shall provide the opportunity for civilian volunteers to assist in carrying out the purposes of the NBNW Program.

(b) ORGANIZATION.—Not less than 3 civilian volunteers in the NBNW Program may report to each employee of BRAVE Force.

(c) REPORTING.—A civilian volunteer shall report a violation of Federal immigration law to the appropriate employee of BRAVE Force as soon as possible after observing such violation.

(d) REIMBURSEMENT.—A civilian volunteer participating in the NBNW Program shall be eligible for reimbursement by the CBP for expenses related to carrying out the duties of the NBNW Program.

SEC. 164. LIABILITY OF BRAVE FORCE EMPLOYEES AND CIVILIAN VOLUNTEERS.

(a) CIVILIANS.—A civilian volunteer participating in the NBNW Program shall not be entitled to any immunity from personal liability by virtue of the volunteer's participation in the NBNW Program.

(b) EMPLOYEES.—An employee of the BRAVE Force shall not be liable for the actions of a civilian volunteer participating in the NBNW Program.

SEC. 165. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SA 3979. Mr. SESSIONS 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:

Strike section 106, and insert the following:

SEC. 106. CONSTRUCTION OF STRATEGIC BORDER FENCING AND VEHICLE BARRIERS.

(a) TUCSON SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Tucson Sector located proximate to population centers in Douglas, Nogales, Naco, and Lukeville, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas, except that the double- or triple-layered fence shall extend west of Naco, Arizona, for a distance of 10 miles; and

(3) construct not less than 150 miles of vehicle barriers and all-weather roads in the Tucson Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(b) YUMA SECTOR.—The Secretary shall—

(1) replace all aged, deteriorating, or damaged primary fencing in the Yuma Sector located proximate to population centers in Yuma, Somerton, and San Luis, Arizona with double- or triple-layered fencing running parallel to the international border between the United States and Mexico;

(2) extend the double- or triple-layered fencing for a distance of not less than 2 miles beyond urban areas in the Yuma Sector; and

(3) construct not less than 50 miles of vehicle barriers and all-weather roads in the Yuma Sector running parallel to the international border between the United States and Mexico in areas that are known transit points for illegal cross-border traffic.

(c) **OTHER HIGH TRAFFICKED AREAS.**—The Secretary shall construct not less than 370 miles of triple-layered fencing which may include portions already constructed in San Diego, Tucson and Yuma Sectors and 500 miles of vehicle barriers in other areas along the southwest border that the Secretary determines are areas that are most often used by smugglers and illegal aliens attempting to gain illegal entry into the United States.

(d) **CONSTRUCTION DEADLINE.**—The Secretary shall immediately commence construction of the fencing, barriers, and roads described in subsections (a), (b), and (c) and shall complete such construction not later than 2 years after the date of the enactment of this Act.

(e) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress that has been made in constructing the fencing, barriers, and roads described in subsections (a), (b), and (c).

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

SA 3980. Mr. BURNS 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:

On page 614, after line 5, add the following:
SEC. 766. PREVENTION OF CONGRESSIONAL REAPPORTIONMENT DISTORTIONS.

(a) **SHORT TITLE.**—This section may be cited as the “Fair and Accurate Representation Act of 2006”.

(b) **FINDINGS.**—Congress finds that—
(1) during the years immediately preceding the date of the enactment of this Act, millions of aliens have entered the United States in violation of Federal immigration law and are unlawfully present in the United States and subject to deportation;

(2) the established policy of the Bureau of the Census is to make a concerted effort to count the foreign born population within the United States without making a separate computation for illegal aliens; and

(3) including the millions of illegal aliens in the reapportionment base for the House of Representatives will result in the loss of congressional representation by many States, in violation of the constitutional principle of “one man, one vote”.

(c) **ADJUSTMENTS TO PREVENT DISTORTIONS.**—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) The Secretary shall make such adjustments in total population figures as may be necessary, using such methods and procedures as the Secretary determines feasible and appropriate, to ensure that aliens who are in the United States in violation of the immigration laws of the United States are not counted in tabulating population under subsection (b) for the purposes of apportion-

ment of Representatives in Congress among the several States. Nothing in this subsection shall be construed to supersede section 195 of this title.”.

(d) **CONFORMING AMENDMENT.**—Section 22(a) of the Act entitled “An Act To provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress”, of June 18, 1929 (2 U.S.C. 2a(a)), is amended by striking “as ascertained under the seventeenth and each subsequent decennial census of the population” and inserting “as ascertained and reported under section 141 of title 13, United States Code, for each decennial census of population”.

SA 3981. Mr. BINGAMAN (for himself and Mrs. FEINSTEIN) 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:

Beginning on page 292, strike line 18 and all that follows through page 295, line 4, and insert the following:

(g) **NUMERICAL LIMITATIONS.**—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(2) by adding at the end the following:
“(C) under section 101(a)(15)(H)(ii)(c) may not exceed 200,000.”.

SA 3982. Mr. BINGAMAN (for himself and Mr. DOMENICI) 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:

On page 53, between lines 14 and 15, insert the following:

SEC. 133. TEMPORARY ADMITTANCE OF MEXICAN NATIONALS WITH BORDER CROSSING CARDS.

The Secretary shall permit a national of Mexico, who enters the United States with a valid Border Crossing Card (as described in section 212.1(c)(1)(i) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act), and who is admitted to the United States at the Columbus, Santa Teresa, or Antelope Wells port of entry in New Mexico, to remain in New Mexico (within 75 miles of the international border between the United States and Mexico) for a period not to exceed 30 days.

SA 3983. Mr. BINGAMAN (for himself and Mr. DOMENICI) 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:

On page 15, between lines 5 and 6, insert the following:

SEC. 107. SOUTHWEST BORDER SECURITY TASK FORCE.

(a) **SHORT TITLE.**—This section may be cited as the “Southwest Border Security Task Force Act of 2006”.

(b) **SOUTHWEST BORDER SECURITY TASK FORCE PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a Southwest Border Security Task Force Program to—

(A) facilitate local participation in providing recommendations regarding steps to enhance border security; and

(B) provide financial and other assistance in implementing such recommendations.

(2) **NUMBER.**—In carrying out the program established under paragraph (1), the Secretary shall establish at least 1 Border Security Task Force (referred to in this section as a “Task Force”) in each State that is adjacent to the international border between the United States and Mexico.

(3) **MEMBERSHIP.**—Each Task Force shall include representatives from—

(A) relevant Federal agencies;

(B) State and local law enforcement agencies;

(C) State and local government;

(D) community organizations;

(E) Indian tribes; and

(F) other interested parties.

(4) **CHAIRMAN.**—Each Task Force shall select a Chairman from among its members.

(5) **RECOMMENDATIONS.**—Not later than 9 months after the date of the enactment of this Act, and annually thereafter, each Task Force shall submit a report to the Secretary containing—

(A) specific recommendations to enhance border security along the international border between the State in which such Task Force is located and Mexico; and

(B) a request for financial and other resources necessary to implement the recommendations during the subsequent fiscal year.

(c) **BORDER SECURITY GRANTS.**—

(1) **GRANTS AUTHORIZED.**—The Secretary shall award a grant to each Task Force submitting a request under subsection (b)(5)(B) to the extent that—

(A) sufficient funds are available; and

(B) the request is consistent with the Nation’s comprehensive border security strategy.

(2) **MINIMUM AMOUNT.**—Not less than 1 Task Force in each of the States adjacent to Mexico shall be eligible to receive a grant under this subsection in an amount not less than \$500,000.

(3) **REPORT.**—Not later than 90 days after the end of each fiscal year for which Federal financial assistance or other resources are received by a Task Force, the Task Force shall submit a report to the Secretary describing the use of such financial assistance or other resources by the Task Force and by the organizations represented by the members of the Task Force.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2007 through 2011 to carry out this section.

SA 3984. Mr. LEVIN (for himself and Ms. COLLINS) 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:

On page 34, strike lines 3 through 17 and insert the following:

SEC. 122. SECURE COMMUNICATION.

(a) **IN GENERAL.**—The Secretary shall, as expeditiously as practicable, develop and implement a plan to improve the use of satellite communications and other technologies to ensure clear and secure 2-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land borders of the United States; and

(4) between all appropriate border security agencies of the Department and State, local, and tribal law enforcement agencies.

(b) COMMUNICATION SYSTEM GRANTS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “demonstration project” means the demonstration project established under paragraph (2)(A); and

(B) the term “emergency response provider” has the meaning given that term in section 2(6) the Homeland Security Act of 2002 (6 U.S.C. 101(6)).

(2) IN GENERAL.—

(A) ESTABLISHMENT.—There is established in the Department an International Border Community Interoperable Communications Demonstration Project.

(B) MINIMUM NUMBER OF COMMUNITIES.—The Secretary shall select not fewer than 6 communities to participate in the demonstration project.

(C) LOCATION OF COMMUNITIES.—Not fewer than 3 of the communities selected under subparagraph (B) shall be located on the northern border of the United States and not fewer than 3 of the communities selected under subparagraph (B) shall be located on the southern border of the United States.

(3) PROJECT REQUIREMENTS.—The demonstration project shall—

(A) address the interoperable communications needs of border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers;

(B) foster interoperable communications—

(i) among Federal, State, local, and tribal government agencies in the United States involved in security and response activities along the international land borders of the United States; and

(ii) with similar agencies in Canada and Mexico;

(C) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(D) foster the standardization of interoperable communications equipment;

(E) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(F) ensure that border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers can communicate with each other and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(G) provide training and equipment to enable border patrol agents and other Federal officials involved in border security activities, police officers, National Guard personnel, and emergency response providers to deal with threats and contingencies in a variety of environments; and

(H) identify and secure appropriate joint-use equipment to ensure communications access.

(4) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall distribute funds under this subsection to each community participating in the demonstration project through the State, or States, in which each community is located.

(B) OTHER PARTICIPANTS.—Not later than 60 days after receiving funds under subparagraph (A), a State receiving funds under this subsection shall make the funds available to the local governments and emergency response providers participating in the demonstration project, as selected by the Secretary.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008, to carry out this subsection.

(6) REPORTING.—Not later than December 31, 2006, and each year thereafter in which funds are appropriated for the demonstration project, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration project.

SA 3985. Mr. ENSIGN (for himself, Mr. SANTORUM, and Mr. INHOFE) 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:

Insert in the appropriate place:

SEC. . PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

“(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

“(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).”

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end a new paragraph as follows:

“(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).”

SA 3986. Mr. GRASSLEY 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. . OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking “the Bureau of” each place it appears and inserting “United States”; and

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

“(1) establishing the Office of Internal Corruption Investigation, which shall—

“(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to inves-

tigation by the Inspector General for the Department;

“(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

“(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

“(D) request such information or assistance from any Federal, State, or local government agency as may be necessary for carrying out the duties and responsibilities under this section;

“(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

“(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

“(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

“(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

“(G) investigate criminal allegations and noncriminal misconduct;

“(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

“(I) be under the direct supervision of the Director.”;

(B) in paragraph (2), by striking “and” at the end;

(C) in paragraph (3), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

“(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

“(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

“(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

“(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud.”; and

(3) by adding at the end the following:

“(c) ANNUAL REPORT.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

“(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

“(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).”

(b) USE OF IMMIGRATION FEES TO COMBAT FRAUD.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: “Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).”.

SA 3987. Mr. GRASSLEY (for himself and Mr. GRAHAM) 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:

On page 10, line 11, insert “autonomous unmanned ground vehicles,” after “vehicles.”.

On page 10, line 23, insert “autonomous unmanned ground vehicles,” after “vehicles.”.

SA 3988. Mr. GRASSLEY 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:

On page 363, lines 7 and 8, strike “,” when such information is requested in writing by such entity”.

SA 3989. Mr. GRASSLEY 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:

On page 362, strike line 4 and all that follows through “(f)” on page 363, line 13, and insert “(e)”.

SA 3990. Mr. GRASSLEY 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:

On page 353, lines 14 through 17, strike “The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints.”.

SA 3991. Mr. GRASSLEY 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:

On page 351, strike lines 7 through 22 and insert the following:

“(E) PAYMENT OF INCOME TAXES.—

“(i) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of all applicable Federal income tax liability by establishing that—

“(I) no such tax liability exists;

“(II) all outstanding liabilities have been paid; or

“(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

“(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ‘applicable Federal income tax liability’ means liability for Federal income taxes owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

“(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

On page 411, strike lines 6 through 25 and insert the following:

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien’s status is adjusted under this subsection, the alien shall establish the payment of all applicable Federal income tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL INCOME TAX LIABILITY.—For purposes of clause (i), the term ‘applicable Federal income tax liability’ means liability for Federal income taxes owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this subparagraph.

SA 3992. Mr. GRASSLEY (for himself and Mr. ALEXANDER) 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:

On page 295, line 22, strike “alien—” and all that follows through page 296, line 5, and insert “alien meets the requirements under section 312.”.

On page 352, line 3, strike “alien either—” and all that follows through line 15, and insert “alien meets the requirements under section 312.”.

SA 3993. Mr. THUNE 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:

On page 271 of the amendment, between lines 14 and 15, insert the following:

“(13) AGREEMENT TO COLLECT PERCENTAGE OF WAGES TO OFFSET COST OF EMERGENCY HEALTH SERVICES FURNISHED TO UNINSURED H-2C NONIMMIGRANTS.—The employer shall collect an amount equal to 1.45 percent of the wages paid by the employer to any H-2C nonimmigrant and shall transmit such amount to the Secretary of the Treasury for deposit into the H-2C Nonimmigrant Health Services Trust Fund established under section 404(c) of the Comprehensive Immigration Reform Act of 2006 at such time and in such manner as the Secretary of the Treasury shall determine.

On page 286, before line 10, insert the following:

(c) H-2C NONIMMIGRANT HEALTH SERVICES TRUST FUND.—

(1) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the “H-2C Nonimmigrant Health Services Trust Fund”, consisting of such amounts as may be appropriated or credited to such Trust

Fund as provided in this subsection or under rules similar to the rules of section 9602 of the Internal Revenue Code of 1986.

(2) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the H-2C Nonimmigrant Health Services Trust Fund amounts equivalent to the amounts received by the Secretary of the Treasury as a result of the provisions of section 218B(b)(13) of the Immigration and Nationality Act.

(3) EXPENDITURES FROM TRUST FUND.—Amounts in the H-2C Nonimmigrant Health Services Trust Fund shall be available only for making payments by the Secretary of Health and Human Services out of the State allotments established in accordance with paragraph (4) directly to eligible providers for the provision of eligible services to H-2C nonimmigrants to the extent that the eligible provider was not otherwise reimbursed (through insurance or otherwise) for such services, as determined by such Secretary. Such payments shall be made under rules similar to the rules for making payments to eligible providers under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(4) STATE ALLOTMENTS.—Not later than January 1 of each year, the Secretary of Health and Human Services shall establish an allotment for each State equal to the product of—

(A) the total amount the Secretary of the Treasury notifies the Secretary of Health and Human Services was appropriated or credited to the H-2C Nonimmigrant Health Services Trust Fund during the preceding year; and

(B) the number of H-2C nonimmigrants employed in the State during such preceding year (as determined by the Secretary of Labor).

(5) DEFINITIONS.—In this subsection:

(A) ELIGIBLE PROVIDER; ELIGIBLE SERVICES.—The terms “eligible provider” and “eligible services” have the meanings given those terms in section 1011(e) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd).

(B) H-2C NONIMMIGRANT.—The term “H-2C nonimmigrant” has the meaning given that term in section 218A(n)(7) of the Immigration and Nationality Act.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI, Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on May 22, 2006 at 2:30 p.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding nuclear power provisions contained in the Energy Policy Act of 2005.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson or Steve Waskiewicz.

COMMITTEE ON ENERGY AND NATURAL
RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, May 23, 2006 at 10 a.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony on the National Research Council report, Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation and the U.S. Bureau of Reclamation Report, Managing for Excellence: An Action Plan for the 21st Century.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Nate Gentry or Steve Waskiewicz.

AUTHORITY FOR COMMITTEES TO
MEETCOMMITTEE 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 Monday, May 15 at 2:30 p.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act of 2005's electricity reliability provisions.

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

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that George Farmakides, Seth Moore, Juria Jones, and Joe Jacquot be given floor privileges for the duration of the consideration of S. 2611.

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

MEASURE READ THE FIRST
TIME—H.R. 4954

Mr. FRIST. I understand there is a bill at the desk, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (H.R. 4954) to improve maritime and cargo security.

Mr. FRIST. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

COMMEMORATING THE 30TH ANNIVERSARY
OF THE HEROIC RESCUE
OF THE AMERICAN FLAG

Mr. FRIST. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 477 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 477) commemorating the 30th anniversary of the date that Rick Monday heroically rescued the American flag from being desecrated.

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

Mr. LOTT. Mr. President, the baseball field has been the setting for some of the most meaningful moments in American history. It was on a baseball field that the great slugger Lou Gehrig, shortly after learning he was suffering from a fatal disease, delivered his poignantly stirring farewell speech, in which he declared himself to be "the luckiest man on the face of the earth." It was on a baseball field that Jackie Robinson broke the color line that had prevented African Americans from competing in the Major Leagues, thus triggering not only integration in professional baseball but the removal of racial barriers throughout American society as well. And it was on a baseball field 30 years ago that another significant moment took place, one that continues to resonate in the minds of millions of Americans.

On April 25, 1976, the Chicago Cubs were playing the Los Angeles Dodgers in an afternoon game at Dodger Stadium. It was early in the season; thus, not much was riding on the game's outcome. Both teams were under .500 at the time. So for the fans in attendance, there was little reason to believe at the outset that the game ultimately would be anything more than pleasantly forgettable.

That all changed during the bottom of the game's fourth inning. The Dodgers were at bat when two protestors ran out onto the outfield grass carrying an American flag. These two proceeded to spread the flag on the ground, douse it with lighter fluid, and pull out some matches. Playing centerfield for the Cubs that day was Rick Monday. As soon as he recognized that these individuals were about to burn the American flag, Monday charged towards them. As Monday—a former Marine Corps reservist—would later describe, "I was mad. What they were trying to do was wrong. It was wrong in 1976, and I still think it's wrong today. . . . That flag represents all the rights and freedoms that we have in this country. If you desecrate the flag, you desecrate the efforts of all the people who fought and died to protect those rights and freedoms." Just as one of the protestors was about to put a lit

match to the American flag, Monday—while running at full speed—grabbed the flag away.

The legendary Hall of Fame broadcaster Vin Scully did the radio play-by-play for the Dodgers that day. His real-time description of the incident was as follows:

There's two of them. I'm not sure what he's doing out there. It looks like he's going to burn a flag. And Rick Monday runs and takes it away from him! . . . I think a guy was going to set fire to an American flag, can you imagine that? Monday, when he realized what [the protestor] was going to do, raced over and took the flag away from him. . . . This guy was going to try and perform the indignity of setting fire to the American flag. . . . It looked like a piece of cloth but you couldn't really tell from here what it was. But Monday, from his angle, took one look and realized it was a flag. And the fellow evidently was all set to set fire to it when Monday realized it.

And Rick will get an ovation and properly so. So Rick Monday—his alertness and quick thinking—gets a round of applause in center field. And on the message board, it just says, "Rick Monday—You Made a Great Play." And Monday is getting another ovation, and well he should. And now a lot of the folks are standing, and now the whole ballpark. And he's going to get a standing ovation.

Rick Monday's courageous and patriotic act of saving the American flag from public desecration then inspired the crowd at Dodger Stadium to spontaneously begin singing "God Bless America." As Monday remembers it, "It moved the entire crowd. I don't remember if we won or lost the game, but I'll never forget the people singing."

Rick Monday soon began receiving thousands of letters from people all across the country thanking him for rescuing the flag. His heroic act was especially inspiring to those men and women who were serving in the military or were war veterans. For instance, Monday received a letter from a Vietnam veteran who, as Monday described:

wrote that there were two things that he had with him in two tours of Vietnam. These two things kept him in check with reality. One was a small picture of his wife. The other was a small American flag that was neatly folded. The picture was folded inside the flag and in the left breast pocket of his uniform. He would be in mud for weeks and months at a time. Those two things were what he looked at to connect him with reality, other than his buddies, and some of them were lost in battle. He wrote in the letter, "Thanks for protecting what those of us who were in Vietnam held onto dearly."

More recently, Monday was visiting the U.S.S. Arizona Memorial in Hawaii when a survivor of Pearl Harbor walked up to him. When Monday went to shake his hand, the veteran—with tears in his eyes—raised his arm and saluted Monday. He then told Monday, "What you did reaffirmed everything we did as members of the Armed Services."

To fully appreciate what Rick Monday did 30 years ago, one must remember what the country was going through at that time. The Vietnam War and Watergate had left our country bitterly divided, and America was

struggling to regain its confidence in the tumultuous aftermath. In saving the American flag from those who sought to desecrate it, Monday conveyed through his actions that the country the flag represents, as well as the liberty and justice the flag symbolizes, are precious and worth defending. Monday's rescue of the flag thus helped rejuvenate American patriotism throughout the country. For this reason, the Baseball Hall of Fame recognizes the actions taken by Monday when he saved the American Flag as one of the 100 Classic Moments in the history of baseball.

Because of the courage and patriotism demonstrated on a baseball field by Rick Monday 30 years ago, I am pleased to introduce a resolution commemorating the 30th anniversary of the date that Rick Monday heroically rescued the American flag from being desecrated. It is a fitting way to honor a historic act performed by a man who not only was a great ballplayer but who is a great American as well.

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

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

The resolution (S. Res. 477) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 477

Whereas, on April 25, 1976, Rick Monday played centerfield for the Chicago Cubs in a game against the Los Angeles Dodgers at Dodger Stadium;

Whereas, during the 4th inning of that game, 2 individuals ran onto the outfield of Dodger Stadium, doused an American Flag with lighter fluid, and attempted to set the Flag on fire;

Whereas, once Rick Monday recognized that those individuals were about to publicly desecrate the American Flag, he quickly ran towards those individuals and grabbed the American Flag from them just as they were attempting to place a lit match on to the Flag;

Whereas the patriotic act of Rick Monday to rescue the American Flag inspired—

(1) the crowd at Dodger Stadium to stand in ovation and spontaneously begin singing "God Bless America";

(2) millions of citizens throughout the United States, especially those citizens who were serving or had served in the Armed Forces; and

(3) citizens of the United States who today continue look to the Flag as a symbol of liberty and justice;

Whereas Rick Monday, after reflecting on his act of rescuing the American Flag, said: "That flag represents all the rights and freedoms that we have in this country. If you desecrate the flag, you desecrate the efforts of all the people who fought and died to protect those rights and freedoms.";

Whereas the Major League Baseball Hall of Fame recognizes the actions taken by Rick Monday when he saved the American Flag as 1 of the 100 Classic Moments in the history of baseball;

Whereas Rick Monday served the United States honorably and courageously in the Marine Corps Reserve for over 6 years;

Whereas Rick Monday was a 2-time Major League Baseball All-Star during his distinguished, 19-year career; and

Whereas April 25, 2006, marked the 30th anniversary of the date that Rick Monday saved the American Flag from being desecrated: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 30th anniversary of the date that Rick Monday heroically rescued the American Flag from being desecrated;

(2) recognizes Rick Monday for—

(A) his courage and patriotism;

(B) upholding the noble ideals and freedoms represented by the American Flag; and

(C) honoring the men and women whose sacrifices have protected those ideals and freedoms;

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Rick Monday;

(B) the National Baseball Hall of Fame and Museum in Cooperstown, New York;

(C) the Commissioner of Major League Baseball, Bud Selig;

(D) the owner of the Los Angeles Dodgers owner, Frank McCourt; and

(E) the owner of the Chicago Cubs, the Tribune Company.

COMMEMORATING DEVELOPMENT OF CHARGE-COUPLED DEVICE

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 478 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 478) commemorating the development of the charge-coupled device.

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

Mr. LAUTENBERG. Mr. President, I am pleased the Senate is poised to pass this resolution today honoring the invention of the charge-coupled device, or CCD, which has greatly improved our level of imaging technology.

In 1969, Dr. Willard S. Boyle and Dr. George E. Smith worked together at Bell Labs in Murray Hill, NJ, and created a basic design for a silicon-memory chip, known as a CCD. This breakthrough technology was crucial to advancing digital imaging technology and can be found in most imaging devices, including digital cameras and video recorders, space-based telescopes and satellites, and medical imaging devices.

A CCD contains a light-sensitive chip that is able to store small amounts of charges in capacitors. A group of these capacitors create a pixel, which can be combined with other pixels to generate an image. The first CCD had just six pixels while the average camera now contains four to six million pixels. It is a credit to Dr. Boyle and Dr. Smith's innovation that this technology has been developed into the high resolution images we use in our every day lives.

Each year, the National Academy of Engineering honors an engineer or engineers whose accomplishments have

significantly bettered society by improving our quality of life, providing the ability to live freely and comfortably, and/or easing access to information. This year, the Academy has chosen to honor Dr. Boyle and Dr. Smith with the prestigious Charles Stark Draper Prize for their innovation in imaging technology and invention of the CCD.

The National Inventors Hall of Fame has also chosen to commemorate Dr. Boyle and Dr. Smith's contributions to society by inducting them into their Hall of Fame. The National Inventors Hall of Fame was founded in 1973 by the U.S. Patent and Trademark Office and the National Council of Intellectual Property Law Associations.

I hope that my colleagues will join me in commemorating the contributions to our society and standard of living that CCD technology has made and congratulating Dr. Willard S. Boyle and Dr. George E. Smith for their justly deserved awards.

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

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

The resolution (S. Res. 478) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 478

Whereas charge-coupled device (commonly referred to as "CCD") technology revolutionized imaging equipment and has significantly affected society by improving quality of life and the technological capabilities of everyday tools and equipment;

Whereas the CCD is widely used in technology, including digital cameras, video recorders, space-based telescopes, satellites, and medical imaging devices;

Whereas Willard S. Boyle of Halifax, Nova Scotia, and George E. Smith of New Barnegat, New Jersey, have advanced society through their development of the CCD while working at the Murray Hill, New Jersey, Bell Labs site in 1969; and

Whereas Mr. Boyle and Mr. Smith have been awarded the 2006 Charles Stark Draper Prize by the National Academy of Engineering and inducted into the Nation Inventors Hall of Fame for their invention; Now, therefore, be it

Resolved, That the Senate commemorates the development of the charge-coupled device.

NATIONAL CHILD CARE WORTHY WAGE DAY

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 479 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 479) supporting the goals and ideas of a National Child Care Worthy Wage Day.

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

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

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

The resolution (S. Res. 479) was agreed to.

The preamble was agreed to.

The resolution, with the preamble, reads as follows:

S. RES. 479

Whereas approximately 13,000,000 children are in nonparental care during part or all of the day while their parents work;

Whereas the early care and education industry employs more than 2,000,000 workers;

Whereas these workers indirectly add \$580,000,000,000 to the economy by enabling millions of parents to perform their own jobs;

Whereas the average salary of early care and education workers is \$18,060 per year, and only 1/3 have health insurance and even fewer have a pension plan;

Whereas the quality of early care and education programs is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood program staff is roughly 30 percent per year, and low wages and lack of benefits, among other factors, make it difficult to retain high quality educators who have the consistent, caring relationships with young children that are important to children's development;

Whereas the compensation of early childhood program staff should be commensurate with the importance of the job of helping the young children of the Nation develop their social, emotional, physical, and intellectual skills, and be ready for school;

Whereas providing adequate compensation to early childhood program staff should be a priority, and resources may be allocated to improve the compensation of early childhood educators to ensure that quality care and education are accessible to all families;

Whereas additional training and education for the child care workforce is critical to ensuring high-quality early learning environments, and whereas child care workers should receive compensation commensurate with such training and experience; and

Whereas the Center for the Child Care Workforce, A Project of the American Federation of Teachers Educational Foundation and other early childhood organizations recognized May 1 as National Child Care Worthy Wage Day; Now, therefore, be it

Resolved, That the Senate—

(1) designates May 1, 2006, as National Child Care Worthy Wage Day, and

(2) calls on the people of the United States to observe National Child Care Worthy Wage Day by honoring early childhood care and education staff and programs in their communities.

NATIONAL METHAMPHETAMINE PREVENTION WEEK

Mr. FRIST. I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 313, and the Senate then proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 313) expressing the sense of the Senate that a National Methamphetamine Prevention Week should be established.

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

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

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

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas methamphetamine is a highly addictive, man-made drug that can be injected, snorted, smoked, or ingested orally, the effects of which include feelings of euphoria that last for up to 24 hours and psychotic behavior such as auditory hallucinations, mood disturbances, delusions, and paranoia, potentially causing the user to experience homicidal or suicidal thoughts as well as violent behavior and brain damage;

Whereas the number of admissions to treatment in which methamphetamine was the primary substance of abuse increased exponentially from 20,776 in 1993 to 116,604 in 2003;

Whereas methamphetamine is easily produced in clandestine laboratories, known as "meth labs", using a variety of volatile and toxic ingredients available in stores, and presents a danger to the individual preparing the methamphetamine, the community surrounding the laboratory, and the law enforcement personnel who discover the laboratory;

Whereas the Drug Enforcement Administration reports that domestic meth lab seizures have increased from 7,438 in 1999 to 17,170 in 2004;

Whereas studies have found that methamphetamine use is strongly linked to identity theft, domestic violence, overall crime rates, child abuse, and child neglect;

Whereas the National Association of Counties has conducted surveys with law enforcement and child welfare officials in more than 500 counties, and found that 87 percent of all law enforcement agencies surveyed reported increases in methamphetamine-related arrests in recent years, and 40 percent of all the child welfare officials in the survey reported increased out-of-home placements of children due to methamphetamine use;

Whereas methamphetamine use and production is prevalent around the world;

Whereas approximately 65 percent of the methamphetamine supply in the United States is trafficked in the form of a finished product from other countries;

Whereas the United Nations Office on Drugs and Crime reports that more than 30,000,000 people around the world use amphetamine-type stimulants, a number that eclipses the combined global use of cocaine and heroin;

Whereas methamphetamine and narcotics task forces, judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement officials, researchers, students and educators, community leaders, parents, and others dedicated to fighting methamphetamine have a profound influence within their communities; and

Whereas the establishment of a National Methamphetamine Prevention Week would

increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) a National Methamphetamine Prevention Week should be established to increase awareness of methamphetamine and educate the public on effective ways to help prevent methamphetamine use at the international, Federal, State, and local levels; and

(2) the people of the United States and interested groups should be encouraged to observe National Methamphetamine Prevention Week with appropriate ceremonies and activities.

Mr. FRIST. Mr. President, that is the Cantwell-Talent resolution expressing the sense of the Senate with regard to establishing a National Methamphetamine Prevention Week. I am delighted the resolution was adopted. It is an important issue. This is our No. 1 drug problem today. We made real progress earlier in the year addressing the methamphetamine epidemic that is occurring across the country. Much more needs to be done. I am delighted that resolution was adopted tonight.

ORDERS FOR TUESDAY, MAY 16, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 16. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to executive session for the consideration of the nomination of Milan D. Smith, Jr., as under the previous order; further, that following the vote on confirmation, the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act; further that the Senate stand in recess from 12:30 until 2:15 p.m. to accommodate the weekly policy luncheons.

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

PROGRAM

Mr. FRIST. Mr. President, today, we did return to the immigration reform bill and have one amendment pending. We expected other additional amendments to be offered today, and had Senators prepared to offer and debate their amendments. I am disappointed the other side did not allow those amendments to come forward at this time. I hope we can get back on track tomorrow and start processing amendments.

The other side of the aisle will have an alternative to the Isakson amendment, and I hope it will be offered early. We have a number of Senators waiting to offer amendments, and I hope we can reach reasonable time agreements on each amendment.

At approximately 10 o'clock tomorrow morning, we will have a vote on a

circuit court nomination. Following that vote, we will return to the immigration reform legislation. And if we are unable to reach a short time agreement, then it will be necessary to table the pending amendment. Senators can therefore expect at least one additional vote prior to the policy meetings.

I remind everyone, once again, to not make plans to be far from the Chamber as we proceed on the immigration bill; that is, stay close to the Chamber. We will vote each day this week and into each evening.

ORDER FOR ADJOURNMENT

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN.

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

The Senator from Illinois.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I am glad we are returning to the immigration bill, as Senator FRIST has alluded. I am concerned, as he is, there will be so many amendments offered we may not be able to bring it to a satisfactory conclusion soon.

We tried to get a limitation on amendments on the Democratic side and were unsuccessful and decided, finally, in desperation really, to go forward and to have amendments offered on the floor in the hopes that Members who offer them would accept reasonable limitations on their debate time.

It was unusual that when we debated health insurance for small businesses last week, the Republican majority used a procedure called "filling the tree," and then, of course, the cloture motion to cut off amendments, to limit amendments. When it comes to immigration, there has been no effort by the majority to do that. So we are going to face quite a few amendments, and I hope we can handle them in a reasonable and expeditious way.

This is an important bill. Comprehensive immigration reform is necessary in America. Our system is broken, badly broken. It does not protect America as it should, and it is not fair to people who have come to this country. We have to find a reasonable way to come up with comprehensive, tough but fair law when it comes to the issue of immigration.

MEDICARE PRESCRIPTION DRUG COVERAGE

Mr. DURBIN. Mr. President, there is another law that has an important milestone today and that is Medicare prescription Part D. I remember this bill when it was debated about 2½ years ago—2½ years ago on the floor of the Senate—and was passed and enacted by the President.

So the administration had 2 years to get ready, 2 years to be prepared for the millions of people under Medicare who would become eligible for a prescription drug benefit.

This is an important benefit, one that was not included in the original Medicare legislation. In those days, there were not that many prescription drugs, and they were not that good. Now we have quite a variety of very good drugs available to help the elderly and others stay healthy and strong and independent. So adding a prescription drug benefit to Medicare made sense.

Keeping people healthy and at home rather than sick and in the hospital or in the nursing home is not only morally right, it makes sense financially. So we passed a bill 2½ years ago. But it was not a very good one. It was extremely complicated.

Imagine, if you will, a bill written by the pharmaceutical industry and the insurance industry. And that is what we ended up with, a bill that allows those two industries to capitalize on opportunities for profit-taking, which they are going to do and already have done. Unfortunately, it is at the expense of senior citizens.

In my State of Illinois, seniors who are trying to figure out which might be the best approach for their prescription drugs have 45 different choices. Forty-five choices may sound like a holiday for some, akin to going to shop at a department store, but for many seniors it became overwhelming and confusing.

They tried to get help. They called the Medicare hotline. That was supposed to be the 1-800 number that would answer their questions. If you could get through—after waiting for a long period of time—surveys of people who tried to get through found that many times they were giving out bad information.

They also put out brochures. Medicare put out some written information for seniors, and people looked at it closely and said: Well, this is wrong. It is written poorly. It does not describe the law as it currently exists.

So what was a senior to do? Many of them turned to family friends. I have had friends of mine whose moms and dads had to make this call. They sat down with them, worked through the paperwork. They went online. They helped them make the choice. But that was not always the case. Some people don't have a family member who is available or one who can understand the complexities of this choice. So they went to other places.

They would go to their pharmacist. So many pharmacists—I want to salute them this evening—so many pharmacists gave up their time. Frankly, that is what they have to sell, their time and professional advice. And they gave it up for their customers to try to help them through this immensely complicated legislation.

Where are we today? Well, today, as the enrollment deadline is reached on May 15, 6 million Medicare recipients

have yet to sign up for prescription drug benefits. If you say: Well, being out of 40 million or so, then you have done pretty well. It ignores the fact that over 25 million already had coverage. They were already covered with prescription drug protection. So we were setting out to sign up some 15 or 16 million, and we did not get it done and fell short—fell short by about 40 percent or maybe more. The final figures will come in, in the next few days.

Of the 6 million who have not signed up as of today, 3.2 million are low-income elderly and disabled. They are eligible for extra help in paying for their medicine.

In my home State, approximately 478,000 eligible beneficiaries have yet to sign up. That is about one-third of the eligible people in my home State of Illinois.

Despite the best efforts of all the senior citizen groups, all of the traveling by the President, and all of the information that has been given, a third of the eligible people have not signed up for Medicare prescription Part D in my State.

That is an indication of the tough choice that many have to make. According to the latest numbers available from Social Security, only 21 percent of seniors in Illinois eligible for extra help have been enrolled. Millions of beneficiaries need more time. Many beneficiaries are simply overwhelmed by the unnecessary complexity and confusion of a program that could have been so simple and straightforward.

Even if they take appropriate steps, they don't always get good information, and many of these people will not sign up by the deadline. The Government Accountability Office completed a study last week that found that Medicare's written promotional materials used too much technical jargon, that the call waiting times lasted from a few minutes to close to an hour, and the Government Web site was so confusing that many people gave up before completing the process.

Someone wrote in the New York Times today that this is clearly a situation where a program was designed and written by people who don't view Government as a solution to a problem, they view Government as a problem. So they created a program that is entirely too complicated and confusing.

Investigators at GAO posed as seniors or individuals helping seniors and they placed 500 calls to 1-800-MEDICARE and found that about a third of them resulted in bad information being given to seniors. These mistakes just added to the confusion. So what happens? If somebody fails to sign up today, when they were supposed to, unfortunately, there are going to be some dire consequences. First, they will not be able to enroll in a prescription drug plan under Part D until November 15 for coverage that starts in January of 2007. So for the remainder of this year, they will not have the protection of a

prescription drug plan, even if they explained it to them and they could make their choice.

In addition, if they didn't sign up by today, under current law, as written and passed by this Senate and signed by the President, these seniors are going to face a significant penalty, an increase in monthly premiums of 1 percent for every month past the deadline. That means they will automatically be subject to a 7-percent minimum penalty tax for the rest of their lives. This is not a one-time penalty. They are stuck, branded. They came in too late, and they are supposed to pay the price.

I cannot tell you how many times we Democrats have come to the floor and said this is unfair. We need to extend the deadline and lift the penalty on those who otherwise would face the 7 percent indefinitely, for the rest of their lives, and we need to change this program.

Time after time, the Republican majority said: No, we are going to stick with this. It is tough, but that is the way it has to be.

It is my understanding that come tomorrow there will be an effort made—a bipartisan effort—to extend the deadline and lift the penalty. We are not sure. But delaying the penalty would be a good start. Without delaying the enrollment deadline, however, 6 million seniors will be left without coverage between now and November. Countless more will be left in limbo if they say there is no penalty if you didn't sign up by May 15, but you cannot sign up until November. Some people will be stuck with no opportunity to seek and to have the coverage they need for their prescription drugs.

In addition to the millions of seniors who have not yet signed up, there are many awaiting decisions from Medicare after filing complaints about various enrollment problems. They need more time.

Let me tell you about this afternoon. My office received a call from a couple in Illinois. They are enrolled in the Illinois Cares Rx program, a program for low-income seniors. This couple also had supplemental insurance through a former employer. Under the Illinois Cares Rx program, they could only enroll in one of two plans. They enrolled last December and until last week had been successfully filling prescriptions covered by the plan. Then, unknown to them, their former employer also signed them up for a plan. So the couple has been enrolled in two plans since January. Rather than giving the couple a choice of plans, Medicare now has automatically disenrolled them from the plan they had originally selected. They just learned this. The plan chosen by their former employer is not one of the two participating Illinois Cares Rx plans, which means the couple is now ineligible for the Medicare Part D Program and are paying nearly half of their monthly income for premiums and copays.

So this is an example of the complexity of this system. When you let all

of these different entities bombard seniors who are doing their best to understand what is best for them—in my office, my staff assistant, Christa Donahue, received a phone call last year from a woman who said she wasn't sure which plan to take. We asked her: Can you tell us what prescription drugs you are currently taking? She gave us a list of four or five drugs. We decided, for our own knowledge, to take those five drugs and go after the 45 different plans in Illinois and see what happened to them. I will tell you what happened. Day after day, and week after week, the protection that had been promised in each of those plans changed. On any given day, the plan could drop one of the drugs they originally said they would cover or it could increase or decrease the price of the drug.

So seniors who believed they had signed up for something they could count on could not be sure. They could not be certain their drug would be covered when they needed it to be covered. They could not be certain new drugs would be covered, and they could not be certain of the price.

It was written in a way that always gave the advantage to the drug company and the insurance company at the expense of the senior citizen. Now, this couple thought they had done the right thing and it turns out, because of this bureaucratic glitch, they have been denied coverage for their prescription drugs and won't have a chance to sign up until November for the next year. Meanwhile, nearly half of their monthly income is going into premiums and copays.

So this is a situation that could have been avoided with a simpler bill, one designed to help seniors, one they could understand. It wasn't written that way; it was written to protect profits.

Even more surprising about this couple is, when they called Medicare and requested that they be switched back to the original plan that saves them the most money, they were told the change was impossible to make because they had already used up their one opportunity to switch plans during their initial enrollment period. Talk about bureaucratic muckity-muck. These poor folks are going to be stuck because the law we wrote was so complicated and because the bureaucracy decided to penalize them. I hope they will get by—at great sacrifice—until we can clear up the problem and straighten up this law.

Unless Medicare resolves this couple's problems today—and we tried during the course of the day—they are going to be stuck in the wrong plan until November, forced to pay higher premiums and higher drug prices, through no fault of their own.

That is one story. Seniors need more time. We certainly should extend the enrollment deadline until the end of the year. We should suspend any penalty during that period of time, and we also should do something I think is

critically important: we ought to acknowledge the obvious. We should have allowed Medicare to offer an option under this plan—yes, one Medicare option that people could turn to as the standard option.

I am not saying private insurance companies could not compete with the Medicare option, but if Medicare was negotiating for the lowest drug prices for seniors, we know what would happen.

The Veterans' Administration negotiated to help seniors bring costs down and that brought the cost of drugs down. It made more drugs available for the veterans who served our country. The same could have happened for seniors under Medicare. The pharmaceutical companies and insurance companies knew that. They didn't want Medicare's bargaining power to bring it down to the lowest prices. So they stopped our efforts—repeated efforts—to allow Medicare to offer an option under Medicare prescription Part D.

It is time to change that. It is time to allow Medicare to negotiate for seniors, to bring down costs even at the expense of profit taking by the drug companies.

If this sounds vaguely familiar, it is what Canada does. They have done that to protect their seniors and others living in their country. They have said to the drug companies: You are entitled to a profit but not profiteering. You are entitled to make money for additional research but not at the expense of some of the most vulnerable people in Canada.

So they limited the amount of increase each year in the cost of the prescription drugs. That is why even today many people—even people in my family—are going to Canada to buy drugs. They are much cheaper there than in the United States. The difference between Canada and the United States is not a difference in culture, it is a difference in leadership—leadership where their Government stood up for seniors and, in this case, our Government stood up for pharmaceutical companies and insurance companies, so drugs would be more expensive than they should be and seniors will pay more and the benefit will not be as good as it should be.

We have problems with this bill, a doughnut hole. Wait until the middle of the year when it reaches 2,200. At that point coverage stops. People still will pay monthly premiums for their prescription drug plan, and in addition they are going to have to pay out of pocket almost \$3,000 before the coverage kicks in again. It is going to be a time of awakening and reckoning.

I think that many who supported the plan and voted for it—I did not—will have to explain to their seniors how this makes sense. May 15 will come and go. The efforts to extend the deadline, to lift the penalty and change the plan, despite being made many times on the floor of the Senate, have been rejected.

By tomorrow, I hope my colleagues on both sides of the aisle will put aside

their loyalty to this flawed plan and be more loyal to the seniors who count on us every day.

I yield the floor.

in adjournment until Tuesday, May 16, at 9:45 a.m.

Thereupon, the Senate, at 6:35 p.m., adjourned until Tuesday, May 16, 2006, at 9:45 a.m.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

ADJOURNMENT UNTIL 9:45 A.M.
TOMORROW

NOMINATIONS

To be general

GEN. MICHAEL V. HAYDEN

The PRESIDING OFFICER. Under the previous order, the Senate stands

Executive nomination received by the Senate May 15, 2006: