recognize that at the end of the day the fence that is being proposed today is going to be inimical to the long-term interests of the United States of America as we unite as a global community to deal with the issues of terrorism around the world; that this fence is going to be something that is going to hurt us in building those alliances.

Mr. President, I urge my colleagues to vote against this fence bill. And I urge we do it in a bipartisan way.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there is now time for a speaker from the majority side until 9:10.

The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield back the 10 minutes to the majority.

The PRESIDING OFFICER. The Senator yields back 10 minutes to the majority, the majority's time until 9:10.

The Democratic leader.

Mr. REID. Mr. President, I have 3 minutes, and for the benefit of everyone here, I might as well use it now. There is nobody else to speak, is there?

The PRESIDING OFFICER. The Chair sees no one else. The Senator from Illinois appears to be trying to do that.

Mr. DURBIN. Mr. President, I would like to speak briefly, if I might.

Mr. REID. I have time under the order. Please go ahead.

Mr. DURBIN. Mr. President, I thank the Democratic leader. I ask unanimous consent to be recognized as in morning business to speak for 5 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

UNANIMOUS CONSENT REQUEST—S. RES. 594

Mr. DURBIN. Mr. President, just 2 days ago I came to the floor and introduced a bipartisan resolution, the resolution cosponsored by myself, Senator MARK DAYTON, Senator NORM COLEMAN, Senator TOM HARKIN, and others. What did the resolution say? It said that we would recognize that we are about to observe the fourth anniversary of the death of our former colleague, Paul Wellstone, who died in an airplane crash during his campaign for reelection to the U.S. Senate for Minnesota.

It speaks of his service to Minnesota, the fact that he was a loving father and husband, that he dedicated his life to public service and to education, and that he worked tirelessly to advance mental health parity for all citizens of the United States.

This, of course, goes on to explain, in the course of this resolution, that Paul Wellstone died before he could pass the most important bill on this subject, the mental health parity bill. So I resolved that:

> [O]n the fourth anniversary of his passing, Senator Paul Wellstone should be remembered for his compassion and leadership on social issues throughout his career;
>
> Congress should act to help citizens of the United States who live with a mental illness by enacting legislation to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limits are imposed on medical or surgical benefits. . . .

That language in this resolution is directly from the Domenici-Wellstone bill on mental health parity. I go on to say:

> [M]ental health parity legislation should be a priority for consideration in the 110th Congress.

The next Congress.

Mr. President, I never dreamed that anyone in this Senate would object to this resolution, this resolution acknowledging the death of our former colleague and asking that the great cause he dedicated most of his public life to continue, and that we pass this bipartisan bill which has been pending on the floor.

That was the reason I brought this to the floor. I thought it would pass without controversy. I was shocked to learn that someone has put a hold on this resolution. I cannot understand that.

I would now ask the clerk if it is necessary—I would like to make sure that this resolution has been filed.

The PRESIDING OFFICER. Will the Senator please restate his inquiry?

Mr. DURBIN. My question to the clerk is whether this resolution has been filed.

So as to expedite this, what I would like to do is send this resolution to the desk that I have in my hand and ask unanimous consent for its immediate consideration and adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, imagine that, observing the fourth anniversary of the death of one of our colleagues, acknowledging his life of public service, and simply asking that the next Congress take up his bill to try to make sure those suffering from mental illness will get fair treatment and compensation under their health insurance plans, I find it hard to believe. But if that is the nature of our business, if we have reached that level of partisanship, then it is regrettable.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I understand what the problem is on this resolution. All of us loved Paul Wellstone. What an advocate he was. What a believer he was. But in this legislation, as I understand this resolution, it calls explicitly for the endorsement of those who support the resolution of a mental health piece of legislation that is not universally accepted. Some people, I understand, have suggested we use a different, a general affirmation of the goal of that legislation, and that we could all support.

But I think it is a bit much to ask, on a resolution, without any study, that this Senate take a position on a specific piece of legislation. I think that is where we were on it. Everybody who knew Paul Wellstone loved Paul Wellstone. I am sorry and think almost, I have to say, it is a little bit unfair and not collegial to push the legislation or the resolution as worded in a way that makes any of us feel that we would not be acceptable to a resolution to honor Paul Wellstone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I submitted the language in this resolution to the Republican side. I have worked on three different versions of the language to find something that mirrors the language, the purpose clause, of the bill that was introduced by Senator DOMENICI and Senator Wellstone, calling on the Senate to try to enact legislation to meet that goal.

There may be Senators who vote for this resolution and want to offer an amendment or change it. That is the way this place works. But to suggest if you call for legislation to give people with mental illness a chance for compensation in your health insurance that it is not collegial—it is not collegial? I have offered this resolution and amended it twice in an effort to be as collegial as possible. But it is hard to understand.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mr. SESSIONS. The Senator has asked that this body, through the adoption of this resolution, endorse a piece of legislation that everybody is not prepared to endorse. We would be prepared to endorse the concepts contained in the resolution. And I think that has been communicated to you. I do not see how you could expect—unless you expect unanimous support for the piece of legislation as written—that you could ask everybody to accept it.

I think you are overreaching, Senator DURBIN, in all due respect. And could we work on that? I would be glad to talk to you about it.

Mr. DURBIN. I say to my friend from Alabama, we have been working on it for days.

Mr. SESSIONS. Well, I am prepared to—

Mr. DURBIN. Excuse me. I have the floor. If the Senator would like to vote against the resolution, that is his right. But to say that we are not even going to consider this resolution, I think, is regrettable.

SECURE FENCE ACT OF 2006—Resumed

The PRESIDING OFFICER. The hour of 9:10 has arrived. Under the previous order, the clerk will report the unfinished business.

The legislative clerk read as follows:

A bill (H.R. 6061) to establish operational control over the international land and maritime borders of the United States.

Pending:

Frist amendment No. 5036, to establish military commissions.

Frist amendment No. 5037 (to amendment No. 5036), to establish the effective date.

Motion to commit the bill to the Committee on the Judiciary, with instructions to report back forthwith, with an amendment.

Frist amendment No. 5038 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish military commissions.

Frist amendment No. 5039 (to the instructions of the motion to commit H.R. 6061 to the Committee on the Judiciary), to establish the effective date.

Frist amendment No. 5040 (to amendment No. 5039), to amend the effective date.

MOTION TO COMMIT

The PRESIDING OFFICER. The pending motion to commit is inconsistent with the invocation of cloture. The motion falls.

AMENDMENT NO. 5036 WITHDRAWN

Under the previous order, amendment No. 5036 is withdrawn.

The bill was ordered to a third reading and was read the third time.

Mr. SPECTER. Mr. President, since all of our efforts to go to conference with the House and to secure comprehensive immigration reform were unsuccessful, I am reluctantly voting in favor of the H.R. 6061, the Secure Fence Act of 2006. After many hearings and a laborious markup, the Judiciary Committee produced a comprehensive bill providing for border security, employee verification, guest workers and a sensible plan to handle the 11 million undocumented immigrants.

Despite repeated efforts, we were unable to secure a conference with the House to reconcile differences between the bills the House passed and the Senate legislation.

There was successful opposition to piecemeal legislation by the House that would have, for example, enabled state and local police to enforce immigration laws. During a field hearing I held at the Philadelphia Constitution Center on July 5, 2006, Philadelphia Police Commissioner Sylvester Johnson testified that making local enforcement of immigration law would undermine the basic function of local police. He further testified that ''once we start enforcing immigration law, then we are going to lose . . . that response from the immigrant community because they are not going to contact us. Nor will they contact us if they have information about other people, about other violence-type things.''

The one major issue which has reached the Senate for a vote despite our efforts to avoid piecemeal legislation is the fence issue. As to the substance of the construction of the fence, I have long supported this facet of border security—in fact, our bill produces 370 miles of fencing through major urban areas and adds 500 miles of vehicle barriers along the U.S./Mexico border. On this state of the record, since I do support the construction of the fence and since we have succeeded in avoiding any substantial piecemeal legislation, I am casting my vote in favor of H.R. 6061.

Mr. LEAHY. Mr. President, this year the Senate passed a comprehensive immigration bill. Senators and staff worked tirelessly to negotiate and pass that bill, which was a comprehensive, fair solution that respected human dignity, and recognized the need for strong border security. The response we got from the majority in the House of Representatives was obstruction. Rather than proceed to a conference to try to hammer out a meaningful solution, the House leadership ignored our calls to proceed and spent the month of August holding sham hearings on the Senate's bill meant only to undermine the work we completed and inflame anti-immigrant passions. Now the House leadership, enabled by the majority leader, asks us to forget all about the efforts we made and take up and pass a narrow, unbalanced bill to help their election chances.

If there is any doubt that this effort by the majority leader is political, consider the timing of this bill. On September 21st of this year, just as the majority leader brought this bill to the floor, the Department of Homeland Security announced the beginning of its Secure Border Initiative with the award of a multi-year, billion-dollar contract to the Boeing Corporation to begin work on a state-of-the-art border security system. Yet, at the same time the Department of Homeland Security tries to secure the border with 21st Century technology, the Senate majority seeks to duplicate and confuse those efforts with a plan straight out of the 18th century. Despite the numerous problems in that agency, it is still a better idea to let them proceed with the Secure Border Initiative than it is to throw even more taxpayer money at a redundant and inferior project.

The majority leader seeks to pass this legislation—with little debate and no amendments—to pander to the anti-immigration crowd. I understand that the Republican majority wants to leave this session with something they can take with them and hold up as a Republican victory for national security, but true security means more than hiding behind walls. We should be unwilling to sacrifice our chances at comprehensive reform to appease the isolationist faction in this country. Voting against this bill is not a vote against national security; it is a vote in favor of the comprehensive bill the Senate already passed.

Regrettably, this bill also contains a requirement for a study to be conducted on the necessity and feasibility of a barrier on the Canadian-American border. I have filed an amendment to strike this study, but the majority leader, as is his practice when bringing up controversial bills to score political points, has obstructed Democratic Senators from offering amendments to improve this bill. To think that we would even consider engaging in this type of unilateral behavior is mind-boggling. Have we learned nothing from the Bush-Cheney administration's go-it-alone strategy? As a Senator from a northern border state, I cannot emphasize enough how important it is for us to engage our neighbors in a cooperative manner when it comes to security. If we were to pass this legislation, we would send a message to our Canadian allies that we don't trust their ability to achieve security and we would ignore the fact that border security is in both of our best interests. We will achieve much more by working respectfully and cooperatively with the Canadian government than we will by conducting studies as to whether we should wall off one of our most valuable allies.

Another deeply troubling aspect of this bill is the virtually unlimited grant of authority to the Department of Homeland Security to ''take all actions . . . necessary and appropriate'' to secure the country's border. The bill's grant of authority to the Secretary of Homeland Security lacks any boundaries—any delineation of where such authority ends. It would abdicate congressional authority and delegate, with no intelligible principle, unlimited power to an executive agency to achieve broad goals, for which the method of achievement is left undefined. Recall that this is the same agency that was responsible for the utter failure in responding to Hurricane Katrina. We are still coming to grips with the fallout from that disaster, which was made worse by the administration's incompetence during the storm, and its continuing failures to curb contracting abuses that have slowed the reconstruction. People along the gulf coast continue to suffer as a result of the administration's incompetence, and we are here debating whether to embark on yet another billion-dollar contracting folly. This is a disgrace.

This week, the U.S. inspector general for Iraq reconstruction released a report on a $75 million project to build the Baghdad Police College, which the inspector general called ''the most essential civil security project in the country.'' In his report, the inspector general called the project a ''disaster'' and said ''the truth needs to be told about what we didn't get for our dollar from Parsons,'' the contractor responsible for the debacle. For $75 million in taxpayer funds, the American people and the Iraq police forces got a building that is currently uninhabitable due to substandard workmanship, and which may have to be demolished.

When the Bush administration proves that it cannot even ensure that one of the most critical aspects of Iraq reconstruction is done competently, I shudder to think about the potential abuses that could come along with the building of 700 miles of fence. At the rate

that this administration's crony contractors are performing, I have to wonder if a fence ever could get built that didn't have gaping holes in it. Before we hand over even more authority to the Bush-Cheney administration to create yet another opportunity for their crony contractors to rip off the American people, maybe we should actually conduct some oversight and demand some sorely needed accountability.

Groups from all over this country, from all sectors of our society have weighed in against the building of this fence. From religious leaders to immigration advocates, from environmental organizations to trade associations, from women's rights organizations to academics; opposition to this last-minute, cobbled-together-proposal is widespread. It is clear to me that the idea of turning our country into a fortress is an idea that many Americans view as contrary to our values and our heritage, and I will stand with them in opposition to this bill.

The proposed footprint of this fence will trench through the sovereign territory of the Tohono O'odham Nation in Arizona, who will be precluded from any involvement in the project. Chairwoman Vivian Juan-Sanders of the Tohono O'odham Nation wrote Members of Congress urging legislators to rethink this proposal before we decide to significantly impair a fragile environment and a long-developed working relationship between the O'odham Nation and the United States government to improve border security. We would do well to listen to the concerns of those whom this bill will affect most.

Secretary Chertoff has said the border fencing provisions contained in the Senate's comprehensive immigration bill are what the department needs to secure our borders. During our debate on comprehensive immigration reform, Republican Senators held out Secretary Chertoff's desire for the 370 miles of fence as justification for supporting that amendment. Those same Senators who spoke so forcefully about the need for 370 miles of fencing now are saying we need more, nearly twice as much. It seems clear now that the arguments from those Senators meant very little.

For those who fear that voting against this bill will allow them to be viewed as ''soft'' on national security, remember that this body already passed a bill that contained provisions for a border fence, along with many other significant security measures. The American people are smart enough to understand what is going on here, and I am confident that the American people are sick and tired of being scared into swallowing every irresponsible proposal put forth by this Republican Congress under the guise of national security. Yesterday, a majority of this body voted to erode key elements of our Constitution beyond recognition, and passed a bill that I am certain we will come to regret. If we pass this fence legislation, we will continue this downward spiral of reactionary, fear-driven legislating. It is time for us to stand up against those who seek to corrupt the underpinnings of our democracy. I have had enough, and I suspect that a majority of the American people have had enough.

We need to stop and think about the mark a fence like this will make on our character as a nation. Once this fence is built, it will be very difficult to go back, and we will have taken a step down a road that I do not think a civilized and enlightened nation should travel. In a country on the cutting-edge of technology, with a history of legendary ingenuity, and driven by innovators of the highest caliber, we can do better: we can secure our borders through human innovation, technology, and vigilance. When we approach our immigration situation in a comprehensive manner, we will see how unnecessary this wall is. When we achieve comprehensive reform, rather than piecemeal false solutions, we will realize the security we need. Long after the political and cultural storms over immigration pass, this cobbled-together fence will remain an ugly scar, and will serve as a reminder of a very poor decision made out of fear rather than reason. Rather than strength, this fence will symbolize weakness and a lack of confidence in ourselves. I will vote against this bill, and I hope other Senators join me in rejecting this blatant and costly political stunt.

Mr. SANTORUM. Mr. President, as I traveled across all 67 counties of the Commonwealth of Pennsylvania, almost to a person my constituents understand that America is not controlling our borders. From Berks to Butler, from Wayne to Westmoreland and Erie to Philadelphia, and across all income bracket and regardless of race, thousands of people tell me everywhere I go that we have to address our border security now. More than that, they tell me we must not reward or give preferential treatment to illegal aliens whose first step on our soil was a violation of our laws. They are clear, they do not want amnesty.

And I hear from all the talking heads and think tank wonks about how our Nation is a nation of immigrants. Well, obviously, except for the Native Americans, we are all immigrants from somewhere, and I am no exception.

My grandfather made so many sacrifices to give my family the opportunities we have all had. He left his family back in Riva de la Garda, Italy, to come to America and make a better life for them. He worked in the Pennsylvania coal mines and met the legal requirements to bring over my grandmother and my dad to Pennsylvania but that meant 5 years away from his family to earn the right to bring them over. Yes, immigrants are more than welcome in America, and they have made great incredible contributions to our society—but they have done so legally.

My family and millions of others have lived the American dream of finding good paying jobs, better education and safe environments for our children. The key is that it can and must be done legally. The foundation for the American dream must be built on the solid cornerstone of the rule of law, not the leaky sieve that characterizes our current borders.

This immigration crisis has been caused by decades of flawed amnesty policies that have left our borders porous and dangerously undermanned. The public is understandably frustrated that in the post-9/11 world we live in where our national security depends on our border security—we still do not know who is coming into our country, where they are from, and what they are doing here. I share their frustration and cannot for the life of me understand why my colleagues continue to put partisanship and posturing over our national security.

The 9/11 Commission stated in the preface of its report that ''[i]t is perhaps obvious to state that terrorists cannot plan and carry out attacks in the United States if they are unable to enter the country.'' Unfortunately, many of my Senate colleagues do not think this is so obvious. Well, it is obvious to the U.S. attorney for the Eastern District of Pennsylvania who, in applying for an antigang grant, said that with the influx of illegal immigrants to the 222 Corridor that ''the Latin Kings, Bloods, NETA and lately MS–13, are recruiting or fighting with local gangs for control of the drug markets. Violence is a daily by-product.''

The evidence is clear that the current immigration crisis poses an immediate threat to our communities—gang violence, drug trafficking, murders, rapes, and the burdensome costs shouldered by our public education, health, and housing systems. Just last week the Immigration and Customs Enforcement arrested more than 100 criminals, fugitive aliens, and other immigration status violators living throughout Pennsylvania—from Philadelphia to York to Pittsburgh. Among those arrested were individuals convicted of sex offenses, burglary, larceny, robbery, criminal trespass, weapons violations, narcotics violations, aggravated assault, shoplifting, fraud, and resisting arrest.

It is time—well, frankly it is well past time—that we put first things first—we must secure our Nation's borders now.

Our friends in the House passed an immigration bill that understands the urgency of securing our borders, but it is impractical—both in enforcement practice and in politics. And then the ''comprehensive'' Senate bill did exactly the wrong thing—offering illegal immigrants amnesty, providing them Social Security benefits, relieving them of tax burdens Americans face, and giving them better worksite employment rights than American citizens enjoy. It was the wrong bill at the

wrong time and failed to pass the one real test of securing our borders.

Yet as I travel the State, it is clear to me that many people do not know what all is in the Senate bill. That lack of information is dangerous for our national security but even more dangerous to our Pennsylvania jobs, tax revenue, education system and social welfare costs.

So let me start by reminding you what is wrong with S. 2611.

It does not protect American workers. In fact, Americans—U.S. citizens—can be put out of work—or their wages reduced—by the employment of the guest foreign workers.

It gives social security benefits for illegal work or stolen identities. Why does this matter? Ask my constituent—Laurie Beers—who had her Social Security number stolen by an illegal immigrant. Laurie is a hard-working hospice nurse who is constantly traveling. Recently, after Laurie learned that her information had been stolen and misused she did all of the right things—contacted the Federal Trade Commission to report the identity theft, called the identity theft hotline, contacted the three credit bureaus to obtain copies of her credit report, contacted the FBI and the Secret Service to report this breach of trust. In response, Laurie received letters confirming she was a victim of identity theft. When she contacted the Internal Revenue Service, she was told that the man using her Social Security number is an illegal immigrant. After talking to the FBI and the Secret Service, they confirmed that the person is an illegal immigrant. And this illegal immigrant has been working for an employer in New York and has even been filing income tax returns on Laurie's Social Security number.

Laurie is understandably upset that the IRS has known for 3 years that someone else has been using her social security number but did nothing to notify her or to stop the theft of her identity. Unfortunately, the employer—Adecco—will not cooperate with Laurie. In fact, Laurie reports that they have been downright nasty. Laurie is lucky in that her credit has not been destroyed, but she has been damaged. The person who stole her identity wrote a bad check to J. C. Penneys and now Wal-Mart will not accept Laurie's checks—something that will show up on her credit report.

That bill forgets the ''guest'' part of ''guest worker'' as the ''guest worker program'' is neither temporary nor based on the need for non-American workers.

It requires Mexican ''cooperation'' to protect our own borders.

This bill provides amnesty, but tries to calls it ''earned legalization.'' Proponents of the bill say that this is not amnesty, and that an alien has to meet certain conditions; but do they really? Illegal aliens in the amnesty program are supposed to pay a fine of $2,000. However, that $2,000 fine only has to be paid ''prior to adjudication,'' or up to 8 years from now. And they get a benefit Americans would love to have. Under the bill, illegal aliens only have to pay 3 of their last 5 years in back taxes. They get an option of which years, while Americans do not get that choice.

It give employers a free pass for hiring illegal aliens. The bill says that employers of aliens applying for adjustment of status ''shall not be subject to civil and criminal liability for employing such unauthorized aliens.'' Unbelievable.

The bill will dramatically raise spending and increase welfare costs. The Congressional Budget Office and the Joint Committee on Taxation, JCT, estimate that this bill would increase direct spending by $16 billion over the 5 years and $48 billion over 10 years. But what about all of the entitlement programs such as welfare? Illegal immigrants are currently ineligible for most federal welfare benefits, but when you give citizenship as this bill does those currently here illegally will be eligible for welfare programs. If just 60 percent of those currently here illegally get citizenship—the ballpark figure of the number that have been here more than 5 years—Robert Rector at the Heritage Foundation estimates that welfare costs will increase by more than $11 billion per year.

However it may be even more important to note what the Senate bill did not do. We know that we must secure our borders, so my colleagues and I tried to add a provision to require a certification that the borders are secure before granting legal status to any alien who entered the United States illegally. I was not only surprised but extremely disappointed that our efforts to do this right—to secure our borders first before dealing with the 11 million illegal aliens in our country—failed. So that bill continues to put the cart before the horse—and continues to hold our national security hostage to a ''comprehensive solution.''

For this reason, in June I introduced my own bill—the Border Security First Act, S. 3564. My bill takes a first-things-first approach. This first step cannot, and should not, wait for a ''comprehensive'' solution. When we secure our borders—and only then—we can address the remaining illegal immigration-related challenges with the apposite remedies.

Despite consensus on all of the border security provisions in my bill, my colleagues on the other side of the aisle have not allowed us to move forward that legislation. Nonetheless, this week the Senate is working to send to the President a bill to secure our southern border with 700 miles of at least double-layer fencing. I am glad we are here today to take a real first step—admittedly a modest step but at least a first step—toward demonstrating to the American public that we have heard you, that we understand we need to address border security first.

And the American public has been clear, but let me focus on my State for a minute. In Pennsylvania, my constituents have been clear—80 percent oppose amnesty for illegal immigrants, and 84 percent support building a fence on the southern border. Stop the flood and do not give amnesty. That is the message, colleagues. It cannot be plainer. We must listen and put America's border security first, reject amnesty, and pass this bill.

Border security cannot wait for more hearings, debate, and compromise; it must be done right, and it must start now. This bill is a good first step.

Mr. KERRY. Mr. President, on May 17 of this year, the Senate passed a comprehensive immigration reform bill that contains a real solution to the immigration crisis in this country. S. 2611 was passed with strong bipartisan support. In a Congress that has been marred by partisan politics, the success of this bill—this truly bipartisan compromise—was a breath of fresh air: an achievement to be proud of.

What has happened now, however, is something to be ashamed of. Once again, politics has hijacked policy. Knowing they cannot go home without taking some action to address immigration, Republicans in Congress have decided that saving their seats is more important than securing the borders.

You might wonder how we got here—when the Senate passed comprehensive immigration reform back in May and the House passed an enforcement only bill in December 2005. Once again, the answer is politics. Rather than moving to conference to work out some sort of compromise on these bills, Republicans in the House traveled around the country holding 60 one-sided hearings under the guise of gathering evidence.

This was not a good-faith effort to create effective policy. It was a stalling tactic used to run out the clock on comprehensive reform. That kind of political gamesmanship will not work on me.

Everyone under the sun is for fencing on the border. A fence is an important part of comprehensive reform. I supported an amendment to the comprehensive reform bill that authorized 370 miles of triple-layered fencing and 500 miles of vehicle barriers along the southwest border. And I supported $1.8 billion in funding for the construction of that fencing and 461 miles of vehicle barriers. I supported construction of this fence because I believe that it is a critical part of comprehensive immigration reform.

But no one in a million years thinks this is the answer. No one in the world thinks Congress should pass this fig leaf and call it a day. If you address the reasons why immigrants come into our country—their ability to find work with a relatively small chance of getting caught—as well as how they come in, then increased fencing makes much sense. Fencing alone simply cannot work.

You don't have to take my word for it. Governor Janet Napolitano of Arizona, a border State where much of the illegal border crossings occur, said this about the fence proposal:

> You show me a 50-foot wall and I'll show you a 51-foot ladder . . . That's the way the border works.

Consider the words of the former Secretary of Homeland Security, Tom Ridge. He said:

> Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust Temporary Guest Worker program and a means to entice those now working illegally out of the shadows into some type of legal status. . . . [E]ven a well-designed, generously funded enforcement regimen will not work if we don't change the immigration and labor laws that regulate how would-be workers can come to the United States.

What he is saying is that only comprehensive immigration reform, such as S. 2661, will actually fix our immigration problem.

And, you know what? His former boss, the President of the United States, would agree. Speaking in the Oval Office just days before the Senate passed S. 2611, the President said:

> An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be addressed at all.

Current Secretary of Homeland Security, Michael Chertoff, also endorses comprehensive immigration reform:

> For [our] Secure Border initiative to be fully effective, Congress will need to change our immigration laws to address the simple laws of supply and demand that fuel most illegal migration and find mechanisms to bring legal workers into a regulated, legal Temporary Worker Program, while still preserving national security.

Perhaps most importantly, the people on the ground in the front lines of the immigration struggle tell us that only comprehensive immigration reform can work. As Jeffrey Calhoon, deputy chief patrol agent for the Yuma sector of the Border Patrol said:

> We need a comprehensive immigration reform that provides additional resources for border security, establishes a robust interior enforcement program and creates a temporary worker program.

A vote cast in favor of this fence—in the absence of comprehensive reform—is a vote cast in favor of a piecemeal approach that we know will fail, is a vote cast against comprehensive immigration reform. That is what this vote is about. As my friend Senator SPECTER, said, voting for the Secure Fence Act will undermine our chance to enact comprehensive reform. He should know. He is the chairman of the Senate Judiciary Committee.

The Secretary of Homeland Security has not asked for the amount of fencing provided for in this bill. Although the bill does not authorize a specific amount of fencing, it does dictate exactly where the fencing should be put up. Some people believe the bill authorizes 730 miles of fencing, but Customs and Border Protection, CBP, however, estimates that it will require 849 miles of fencing to get the job done.

We can't even estimate the amount of fencing based on funding levels because the bill contains no specific funding authorization. We do know, however, that it will be expensive. The Department of Homeland Security estimates the cost of a single layer of fencing to be $4.4 million a mile and vehicle barriers to $2.2 million. Because double fencing requires extra money for building all-weather roads, the total estimate from the Department of Homeland Security is $6.6 billion, $9 million a mile.

There are many other things that we could do with that kind of money. We could hire, train, and equip more Border Patrol agents. We could purchase more detention beds to end our unfortunate ''catch and release'' policy. We could place more port-of-entry inspectors and canine detection teams in the field. We could invest in new technologies for border protection, or in an interoperable communications system for the Nation's first responders. But no, Congress would rather punt on the tough decisions and dodge the real debate. What a disgrace.

I oppose this failure of the Senate to do its job and live up to its responsibility. I sincerely hope that this vote does not signify the beginning of the end of comprehensive immigration reform as I fear it does.

Mr. REED. Mr. President, for an immigration measure to be effective, two aspects are necessary. One aspect is enforcement and the other is addressing the status of millions of undocumented immigrants who are living in the United States.

The Senate spent several weeks earlier this year debating a comprehensive immigration bill which struck an acceptable balance between enforcement and legalization. We passed that bill but House and Senate Republicans have been unable, despite months of negotiations, to come up with a final bill. This is irresponsible at best.

The secure fence bill only addresses enforcement but worse, it only addresses a small part of enforcement. This bill builds a wall. A wall that will cost as much as $9 billion. And a wall that will be ineffective. As Governor Napolitano of Arizona said, ''You show me a 50-foot wall and I'll show you a 51-foot ladder at the border. That's the way the border works.''

Apprehending individuals illegally crossing the border only partially solves the problem. First, half of the undocumented immigrants in this country came here legally and then overstayed their visas. A fence will not solve that problem.

Second, the reason so many try to enter this country is the search for jobs. We must work to cut off the supply of jobs by making it too costly for employers to hire the undocumented. There are laws on the books that do this, but these laws have rarely been enforced by this administration.

Furthermore, no immigration law that we pass will be effective if we do not negotiate and sign bilateral agreements with other countries on numerous issues including taking back aliens removed from the United States, document forgery, smuggling, human trafficking, and gang membership.

Immigration is one of the most important issues Congress has to address. But we did address it in March. It was thorough and thoughtful yet tough, and it is the conference report for that bill that we should be passing tonight, instead of this ineffective enforcement bill.

Mr. MCCAIN. Mr. President, I would like to discuss the bill pending before us, the Secure Fence Act of 2006.

Over the past year, many Senators, as well as President Bush, have dedicated themselves to addressing the problems of our broken immigration system. In April, the Senate overwhelmingly passed, in a bipartisan fashion, a comprehensive immigration reform package designed to secure our borders as well as address the economic need for workers in our Nation. In passing this legislation, the Senate rejected the argument for an ''enforcement first'' strategy that focuses on border security only, an ineffective and ill-advised approach. Congress cannot take a piecemeal approach to a national security crisis. I believe the only way to truly secure our border and protect our Nation is through the enactment of comprehensive immigration reform. As long as there is a need for workers in the United States and people are willing to cross the desert to make a better life for their families, our border will never be secure.

The Secure Fence bill authorizes 700 miles of fencing along our southern border. To many in Congress, this sounds like a ''quick fix'' to our border security problems. However, in a briefing before the Senate Judiciary Committee last spring, Secretary of Homeland Security Chertoff clearly stated that only 370 miles of fencing along the southern border is necessary. I find it interesting that this bill would mandate 700 miles of fencing in light of the Secretary's statement. In fact, it is my understanding that the Secretary feels that the additional 330 miles of fencing is not only unnecessary but also imprudent because it will force DHS to reduce funding other border security initiatives.

Because of the clear wishes of the Secretary and the concerns of border communities over the disruption the construction will cause to commerce along the border, a group of Senators, including myself, had hoped to offer and vote on an amendment that would allow the Secretary of Homeland Security, the true expert on securing our border, to decide where fencing was necessary along the border and where money was better spent on other types of border security measures. It would have asked for local community input on the placement and construction of

this wall. My understanding is that this amendment had been circulated in both Chambers and no objections had been raised by the leadership in the House or the Senate or the committees of jurisdiction. Unfortunately, because of the objections of a single Senator, we are now unable to offer and vote on this commonsense, fiscally responsible amendment.

Another amendment that we had planned to offer, dealing with the definition of ''operational control'' of our border, met the same fate. This amendment would have given a reasonable and achievable meaning to the term ''operation control'' as it relates to the Secretary's duties in this bill. However, again, the same Senator raised an objection to the clarification of this definition. I believe that this bill, and more importantly, our Nation's security, will be worse off for this objection to making commonsense improvements to this bill.

I have struggled and debated over how I should vote on this bill. I truly believe that we must have comprehensive immigration reform and will continue to dedicate myself to achieving a thorough response to our Nation's struggles with illegal immigration. However, since I am forced to choose between nothing and a fraction of the border security that our country needs, I must support providing some form of border security. As a Senator from a border State, I recognize that we are facing a crisis in our border region and infrastructure improvements to our border security are desperately needed.

If Congress thinks that it can continue this piecemeal approach to border security and achieve any real results for our national security, it is sadly mistaken. Mr. President, I hope that we can return in either a lame-duck session or in the 110th Congress to not only correct the problems in the bill before us but also make a serious effort at comprehensively reforming our Nation's immigration system.

Mr. DODD. Mr. President, I would like to take a few moments to explain why I voted against limiting debate on the Secure Fence Act of 2006 when that vote occurred last night.

In large measure my decision to vote against cloture was procedural. This Senate has had no opportunity to debate and amend the bill before us today. There are some very important amendments that our colleagues would have like to offer which now they cannot.

Those who do not understand Senate procedure might ask, how could that be possible? After all, hasn't this bill been the pending business of the Senate off and on for 6 days?

Let me explain. The Senate majority leader has, as is his right, used Senate procedures to block Senators from offering or voting on amendments. He has done what is called filling the amendment tree. Until the Senate voted last night to limit debate on this legislation, no vote was taken on any amendment to this bill. Now that cloture has been invoked, many otherwise pertinent and important amendments are no longer in order to this bill.

Unfortunately, that has been the pattern of conduct with respect to this legislation and others in this Congress. This bill was rushed through the House of Representatives on September 14. There were no Senate hearings on the matter, no committee input into the content of this bill. That is not the way this Senate ordinarily does business, and it is certainly not the best way to address legislation that is supposed to be improving our Nation's security .

The Senate already had a very serious and responsible debate on the subject of border security in the context of its deliberations of comprehensive immigration reform. We spent 9 days debating many amendments on that bill, including amendments related to the construction of fences along the U.S.-Mexico border. The bill ultimately adopted by the Senate provides for 370 miles of fencing in the most vulnerable high-traffic areas along the U.S.-Mexican border. That is what the administration requested and recommended. It also contained a very important requirement that Federal authorities first consult with those who will be most affected by construction of such a fence—relevant local, State, and Federal agencies on both sides of the border. I supported that legislation.

Why is it that the Senate is now being asked to consider a far less comprehensive approach to securing our country? Does anyone really believe that by simply building a fence, adding physical barriers, lights, cameras, and sensors along 730 miles of our southern border, we are somehow going to make our Nation secure? Do we really believe we can be secure without the cooperation of other governments, most especially our immediate neighbors, Canada and Mexico? And do we really believe that by unilaterally putting up barriers on our southern border and contemplating doing the same on the northern border, we are strengthening the will of Canada or Mexico to give us that cooperation?

Is the next step going to be building fences along the remaining 1,300 miles of our southern border and the more than 3,000 miles of our northern border? At what cost? The Congressional Budget Office puts the cost of the current fence proposal at $3.2 million per mile of fence. Other estimates are even higher—$10 million per mile for some stretches of the fence. When you add in annual maintenance, the cost of the fence could exceed $1 billion. So are we prepared to spend another $5 billion to $6 billion or so to construct an additional 4,300 miles of fencing to complete the job?

In the meantime our immigration system is broken. More than 10 million undocumented aliens live among us but at the same time outside the legal structures of our Government creating additional economic and national security challenges which the comprehensive immigration bill passed by the Senate responsibly sought to address. The pending bill does not.

The House and Senate passed very different legislation related to comprehensive immigration reform and enhanced border security. The President endorsed the Senate-passed measure. What would usually be the next step in the legislative process would be for the House and Senate conferees to meet to reconcile the differences between the two bills. But that is not what has happened in this case.

Rather, the Republican leadership, in an effort to score political points, has rushed through this very minor bill authorizing the construction of fences on the southern border and mandating a study of the advisability of doing so on our northern border. They have blocked any serious debate or amendments to the pending matter, and once final passage occurs they will declare that our Nation is now secure.

That is why I felt strongly last night that we ought to have a real debate on the challenges to our Nation's security and consider relevant amendments that could address those challenges rather than rushing to judgment on the very simplistic and costly approach called for in this bill.

Mr. President, we do our citizens a real disservice when we let election year politics get in the way of the peoples business.

Unfortunatey, it will have to be left to a later date to do what would really enhance our Nation's security; namely, enact legislation to fix our broken immigration system.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, what is the following order within the unanimous consent that deals with this legislation?

The PRESIDING OFFICER. There are five Senators to whom time is allotted. Prior to the vote, the time is limited to Senator SALAZAR, 5 minutes; Senator BINGAMAN, 5 minutes; Senator CRAIG, 5 minutes; Senator REID, 3 minutes; Senator FRIST 3 minutes.

Who seeks time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed the first 5 minutes and Senator SALAZAR from Colorado take the second 5 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The Senator from New Mexico is recognized for 5 minutes, to be followed by the Senator from Colorado.

Mr. BINGAMAN. Mr. President, I rise today to speak about H.R. 6061, the Secure Fence Act, and to express my disappointment that the majority leader has decided to prevent Senators from offering relevant amendments. I have an amendment, which is germane postcloture, which simply provides the

Department of Homeland Security with discretion regarding the use and placement of fencing along our border.

As a Senator who represents a border State, I understand the frustration communities are facing due to the inability of the Federal Government to secure our Nation's borders. Illegal immigration is a serious problem and we do need to do a better job of addressing this issue.

The Senate has passed a comprehensive immigration bill aimed at improving security along our borders and at reforming our immigration laws. Although this bill isn't perfect, it is a step in the right direction. I was very disappointed that the leadership in the House refused to appoint conferees, and instead decided to hold hearings around the country to stir up discontent rather than to seek solutions.

The Senate has passed a bipartisan bill. The House has passed a bill. We should have convened a conference committee and tried to work out the differences between these bills. The failure to at least make a good-faith effort at coming to an agreement is unacceptable.

With regard to the specifics of the Secure Fence Act, I do believe that there are locations along our border where fencing makes sense. For example, I support the $1.2 billion that is in the 2007 Homeland Security Appropriations bill for fencing, infrastructure, and technology, and I voted to provide $1.8 billion for the Army National Guard to build fencing and vehicle barriers along the southwest border as part of the Defense Appropriations bill. In addition, over the last several years I have secured millions of dollars of funding for fencing and vehicle barriers specifically for New Mexico.

However, we need to be smart about security. Walls may make good sound bites in political ads, but the reality is that the individuals charged with securing our borders have consistently stated that they are only part of the solution and that there are better and more cost-effective ways to provide for border security.

As Ralph Basham, the Commissioner of Customs and Border Protection, stated earlier this year in a response to a question about the proposal to build 700 miles of double-layered fencing: ''It doesn't make sense, it's not practical.'' He went on to say that what we need is an appropriate mix of technology, infrastructure, and personnel.

Secretary Chertoff has voiced similar concerns, and has consistently maintained that securing our borders will require a much more comprehensive approach than simply building fences.

Unfortunately, the bill, as currently drafted, does not provide the Department of Homeland Security with the discretion they need to determine the most appropriate means to secure the border. It ties their hands with regard to the use and placement of fencing.

Under current law, the Department of Homeland Security already has the legal authority to build the fences that it needs, and I do not think we should be mandating over 700 miles of fencing in specific locations at a cost of millions of dollars per mile unless we know that this is something that DHS believes it is the best way to enhance security.

This bill micromanages and mandates specifically where DHS must build fencing. For example, with regard to New Mexico, the bill states that a fence must be built ''extending from 5 miles west of the Columbus, NM, port of entry to 10 miles east of El Paso, TX.'' There hasn't been any local input regarding this specific location and I haven't received any indication from DHS that they believe that this is the best place to build a fence.

To the contrary, in discussions during one of the southwest New Mexico Border Security Task Force meetings, the point was raised by local security officials that the location of the proposed double-layered fencing in the bill is in the wrong place.

The bill also mandates fencing in some areas where we just spent millions of dollars per mile to build vehicle barriers. According to DHS, it costs approximately $4.4 million for a single layer of fencing per mile. The bill we are debating today mandates double-layer fencing, which adds up to about $6.6 billion for the 730 miles of fencing required under the bill. If we are going to spend billions of dollars to place a fence along over one-third of our southern border, we should at least ensure that it is in the right location and that DHS can make necessary adjustments in the interest of securing our borders.

To this end, I hoped to offer an amendment that would ensure that the Secretary of Homeland Security has the ability to modify the placement and use of the fencing mandated under this bill, if the Secretary determines that such use or placement of the fencing is not the best way to achieve and maintain operational control over the border. I strongly believe that this is a reasonable amendment that ensures that DHS has the flexibility it needs to alter this proposal if it doesn't advance our overall security strategy.

Let me be clear, I believe we should do what it takes to secure our borders. I have consistently worked to secure increased funding for vehicle barriers, surveillance equipment, and additional Border Patrol agents. But I also believe we should do it in the most effective way, both from a security standpoint and in terms of costs.

I also intended to offer an amendment that would have provided border law enforcement agencies with much needed relief in addressing border-related criminal activities. Specifically, the amendment would have authorized $50 million a year in funding to help departments purchase new equipment and hire additional officers. This legislation has wide bipartisan support and has passed the Senate on two occasions. However, most recently, the majority party removed this bill from the 2007 Homeland Security appropriations bill. If the majority party wants to address security issues, I stand ready to do so. Unfortunately, it appears that they are more concerned with political grandstanding than crafting substantive border security policies.

I strongly believe that Senators should have an opportunity to offer amendments and improve the bill. Regrettably, the majority leader has used technical procedural rules to prevent Senators from doing so. I cannot vote for this legislation without being afforded the opportunity to offer my amendments and fix this flawed bill.

I ask unanimous consent that I be allowed to offer this amendment prior to final passage on this bill.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, on this side there is an objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BINGAMAN. Mr. President, let me conclude by saying that I think it is unfortunate that we cannot make a commonsense change in this bill to make this a workable piece of legislation. It could pass this Senate with 100 votes if, in fact, this amendment were adopted—at least as far as I am concerned it likely would. The fear that the purpose of this bill is to get a bill to the President that has the word ''fence'' in the title so that the people can go out and campaign on it in the next 4 or 6 weeks, that is not good government. That is not a good result, policywise, for this country. I, unfortunately, will be compelled to vote against the bill.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized for 5 minutes.

Mr. SALAZAR. Mr. President, I think the objection just heard against the logical amendment proposed by my friend from New Mexico demonstrates the political gimmickry going on in the Chamber this evening.

His amendment simply would have said that there would be discretion for the Department of Homeland Security Secretary to make a determination as to where it would make the most sense for these fences to go. The objection to that amendment demonstrates what is happening here, and that is that the people who are supporting this legislation believe Washington knows better than our experts in the executive branch of Government and the people who live along the borders; it demonstrates, again, the political rawness that is behind this fence amendment being proposed tonight, which I expect will pass because people want to score political points by using this in the immigration debate in our country.

Again, the fence by itself is not a solution. The fact of the matter is that more than half of the people who are here illegally in the U.S. came here legally. Their visas expired and they are

in the United States. So putting a fence on the border as proposed in this legislation all by itself will not resolve the comprehensive immigration issues we are facing in our country today.

It wasn't so long ago that this Chamber went into a vigorous debate. People disagreed. I disagreed with my friend from Alabama, but we agreed finally on some issues around the fence. There was debate that took place over a comprehensive solution, a fundamental national security problem. There were 23 Republicans who came together with about 40 Democrats and said that we will put our Nation's security first and we will address our national security; we will address the economic security issues of our country, including the agricultural jobs, which my friend Senator CRAIG has been so eloquent about today. We were able to get that done.

Yet, today, in the waning hours of this session, we are moving forward with a political gimmick because people want to ride this horse of immigration on this fence-only proposal on the way to victory in November.

Mr. President, I don't believe this legislation is good for the long-term interests of the United States and the Western Hemisphere. I believe that we as a Senate can do much better.

I urge my colleagues to oppose the fence bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, we can build the tallest fence in the world, and it won't fix our broken immigration system. Nor will it strengthen security on the borders. to do that, we need the comprehensive reform that the Senate passed earlier this year. We have been waiting for months for the majority to appoint conferees so we could complete this important legislation, but they have refused to do so.

I support tough border security. I voted for an amendment, in the context of our comprehensive immigration reform bill, that would have authorized Homeland Security Secretary Chertoff's Department to build 370 miles of fencing—based on what he told us in the Senate he needed. Building some fencing as part of the comprehensive reform bill makes sense. As I have said before, we cannot take a piecemeal approach to fixing our borders.

We need to do more. We passed a comprehensive bill. It had strong border security, it had temporary worker program, which is so important with agriculture and the resort industry. We also said that we had to do something to take care of the 12 million people who are living in the shadows. What would they do to get out of the shadows? They would have to pay taxes, get a job, learn English, and stay out of trouble. And we had employer sanctions. Only a combination of all of these elements will work to get our broken immigration system under control.

Nearly half of the undocumented immigrants in this country came here legally and overstayed their visas. A fence or a wall, no matter how high and mighty, will not solve this problem.

I agree with Attorney General Gonzales, Homeland Security Secretary Chertoff, and former Secretary Ridge that a fence is not the most appropriate or effective way to secure our 2,000-mile southern border. As Secretary Chertoff said:

> Fencing has its place in some areas, but as a total solution, I don't think it's a good total solution.

The Department of Homeland Security already has the authority to build fences along our border. This amendment is unnecessary. I believe it is not about securing our border but about election-year politics.

A majority of the Republicans have made very clear that they are not serious about doing anything to get control of the broken immigration system. Where is President Bush? He said he wants comprehensive immigration reform, and he has been silent. The President and the Republicans in Congress have made it clear that they have no interest in going into a conference to enact legislation this year.

I believe we can only secure our borders through comprehensive reform, as I have outlined. No amount of Republican grandstanding on this issue will change that. The Senate has offered a practical, workable, fair solution to fix our immigration system, and I regret we have not been able to move forward.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that we immediately consider Senate amendment No. 5022, known as AgJOBS, offered by myself, Senator FEINSTEIN of California, and 53 cosponsors. The amendment is at the desk.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

Mr. CRAIG. Mr. President, we recognize the need for a fence. We recognize the need for border security. But as we speak, American agriculture is losing somewhere between $1 billion and $5 billion at the farm gate because our southern border is closing. We have troops at the border. We are investing now nearly $2 billion a year at the border. This Congress, this Government, wants to prove, as we must, to the American people that we mean it when we say we are going to secure our southern border. But I have said for 2 years that, in doing that, we had to tie the cart and the horse together; that is, we needed to provide for the American economy a legal guestworker program. We have not done that. We are not doing that.

In my State of Idaho now, there is an 18 to 20 percent reduction in the employment base in agriculture as we speak. In the State of Kentucky, the tobacco growers cooperative is now losing their tobacco crop because they have nobody to pick. In Illinois, in the orchards at this time, apples are rotting on the trees. In Florida, it is estimated that we have already lost nearly a billion dollars worth of oranges. Is this the fault of American agriculture or is this the fault of a Congress that would not take an obsolete and functional law and fix it, so that we could have a legal workforce, one that comes and works and goes fast. That is what a guestworker program is all about. In Oregon, an apple orchard picking 25 tons a day is now picking 6 tons a day, and the apples are rotting.

The Senators from California, Senators FEINSTEIN and BOXER, talked about the produce in the great San Juaquin Valley that rots as we speak. Some will say those farmers should have known better. Maybe they should have. That is why they came to me several years ago and said: We have a problem; help us fix it; help us get a legal workforce.

We did not do that. We tried mightily—some of us—but we are now refusing to do that at a time of crisis. So if it is not us to blame, who is it?

So let the consumer go to the fresh produce shelf this fall and winter and pay double the price for some of the products. Also, see some of our production move offshore to Argentina and Brazil, because it will go where the workforce is if the workforce cannot come to it.

None of us want an illegal system. We must have a legal system. We will return in November, and we will be able to add up the losses, and that will be a tragedy.

I hope that in November, with those losses calculated—and I hope I am wrong; I hope it is not $5 billion or $6 billion or $7 billion. But if it is, Senators, roll up your sleeves; we have a problem to solve, and it is a very big problem. We cannot afford to lose the fruit and vegetable industry of this country. For the sake of America, for the sake of American agriculture, it is a labor-intense industry of the kind that requires a viable legal guestworker program.

Tonight, in a moment of crisis—and we now know it—the Senate of the United States has refused to deal with the problem.

I yield the floor.

The PRESIDING OFFICER. The Senate is currently under a unanimous consent order for the remaining speaker to be the majority leader, Senator FRIST, who is allocated 3 minutes.

The majority leader is recognized for 3 minutes.

Mr. FRIST. Mr. President, last week, immigration agents arrested 120 illegal workers at a worksite in Colorado within 1 mile of global surveillance and a missile early-warning facility. Most likely, they came to America to find jobs. But if any had sinister intentions, only a fence separated them from a critical military facility.

Most immigrants come to America with good intentions, but not all of them. Intelligence reports show that

al-Qaida considers our borders a vulnerability. Imagine how terrorists might exploit a 1,951-mile border with Mexico.

We are a Nation of immigrants, but we are also a Nation of laws and principles. Any attempt to halt the influx of illegal immigrants must respect that fact. The comprehensive immigration reform legislation the Senate passed in May struck a careful balance. We took a three-pronged approach: fortify our borders, strengthen worksite enforcement, and develop a fair and realistic way to address the 12 million people already in our country illegally, without offering amnesty.

Clearly, we won't reach an agreement on comprehensive immigration reform before we leave for the recess, but fortifying our borders is an integral component of national security. We cannot afford to wait until November to do that. We know what works. We built a 14-mile fence near San Diego and saw illegal immigration in the area drop dramatically. We deployed 6,000 National Guard troops to our southwest border and saw a 45 percent drop in border apprehension.

The comprehensive solution to immigration reform is ideal, yes, but I have always said we need an enforcement-first approach to reform—not enforcement-only but enforcement-first.

The Secure Fence Act of 2006 let's us get a head start on the first prong of comprehensive reform. It requires the Department of Homeland Security to achieve complete operational control over our border with Mexico. With this bill, we will have better control over who enters the country, how they enter it, and what they bring with them.

Without the critical security measures included in the bill, we leave ourselves open to attack. We place our national security at risk.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The majority leader yields back the remainder of his time.

The PRESIDING OFFICER. All time has expired.

The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have not been ordered.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts would vote ''nay.''

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

The result was announced—yeas 80, nays 19, as follows:

[Rollcall Vote No. 262 Leg.]

YEAS—80

Alexander	DeWine	McConnell
Allard	Dodd	Mikulski
Allen	Dole	Murkowski
Baucus	Domenici	Nelson (FL)
Bayh	Dorgan	Nelson (NE)
Bennett	Ensign	Obama
Biden	Enzi	Pryor
Bond	Feinstein	Roberts
Boxer	Frist	Rockefeller
Brownback	Graham	Santorum
Bunning	Grassley	Schumer
Burns	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Harkin	Smith
Carper	Hatch	Snowe
Chambliss	Hutchison	Specter
Clinton	Inhofe	Stabenow
Coburn	Isakson	Stevens
Cochran	Johnson	Sununu
Coleman	Kohl	Talent
Collins	Kyl	Thomas
Conrad	Landrieu	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
Dayton	Martinez	Wyden
DeMint	McCain	

NAYS—19

Akaka	Jeffords	Murray
Bingaman	Kerry	Reed
Cantwell	Lautenberg	Reid
Chafee	Leahy	Salazar
Durbin	Levin	Sarbanes
Feingold	Lieberman	
Inouye	Menendez	

NOT VOTING—1

Kennedy

The bill (H.R. 6061) was passed.

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

The motion to lay on the table was agreed to.

CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. FRIST. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Michigan is recognized.

UNANIMOUS CONSENT REQUEST—H.R. 5122

Mr. LEVIN. Mr. President, under the unanimous consent agreement, I have been allocated 10 minutes, at the end of which I am going to make a unanimous consent request that we proceed immediately to the Defense Authorization bill, the John Warner Authorization bill conference report, which has come over from the House. I do not know of any opposition to this bill. We have worked on it for 5 months. It has provisions in it which are critically important to our troops.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Michigan has the floor.

Mr. LEVIN. I think it is critically important before we leave—

Mr. FRIST. Mr. President, let's have regular order.

Mr. LEVIN. I ask unanimous consent at this point that the conference report to accompany H.R. 5122, the John Warner National Defense Authorization Act of Fiscal Year 2007, be deemed adopted by the Senate with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. We are in discussion now and I believe we are making real progress on addressing this bill. I will object here shortly because we have to talk to a number of colleagues. But I think we are making real progress on the bill.

Mr. LEVIN. So we could adopt it tonight?

Mr. FRIST. Thus, I object.

CHILD CUSTODY PROTECTION ACT

Mr. SPECTER. Mr. President, I oppose cloture on the Child Custody Protection Act, S. 403, because there are not adequate safeguards for young women seeking abortions, particularly in cases of rape, incest, or health of the minor.

On September 22, 1998, I voted against cloture on a similar bill. On July 25, 2006, I voted against a similar bill.

Those bills, like the one now pending, made it a crime to take a minor across state lines for purposes of obtaining an abortion without parental consent or notification. I opposed that legislation because of my concern for minor girls who have an abusive or bad relationship with their parents, including circumstances of incest. Such a relationship makes it difficult, if not impossible, for the girl to admit to being pregnant or to express her desire to obtain an abortion. Additionally I am concerned with the delay this bill poses on young girls seeking abortions in the case of rape or health risks.

Proponents of this legislation have urged me to support it on the ground that the state judicial bypass laws provide a sufficient means for young girls who have such a bad relationship with their parents, to receive judicial authorization to secure an abortion without their parents' knowledge or consent.

It has been suggested to me that there may be compelling data that the judicial bypass procedures provide a sufficient means for such girls' interests to be protected. On the current state of the record, however, I believe that the judicial bypass procedures are not adequate, so I do not believe that a Federal crime should be legislated for those who take minor girls across state lines to secure an abortion.

To those who have urged me to support the legislation and have asked me to review such data, I have replied that I would be willing to study any such information. As noted, on this date of the record, I could not support legislating a Federal crime on this issue.

Mr. FEINGOLD. Mr. President, I cannot support the Child Interstate Abortion Notification Act, CIANA. First, I object to the decision to bring this bill directly to the floor, circumventing the