

scattered across a battlefield by air and artillery, even a tiny "dud rate" will leave a substantial number lying in wait for innocent victims.

Of all the instruments of terror used on the battlefield, mines are the most inhumane. The wartime casualties are young men whose lives are either snuffed out or ruined forever by crippling injuries. Even soldiers who escape from a minefield unscathed are haunted by the experience. Many cases of posttraumatic stress disorder, a serious psychological malady, were caused by the preying fear of mines and booby traps. Years later, a walk across an open field bring back the old dread: What's under those leaves? Do I dare put my foot on that freshly turned earth? Walk through a minefield, and you'll never be young again.

During the Korean War, tens of thousands of soldiers on both sides were felled by land mines. Many of them were killed by their own mines, recklessly thrown down in haste, their location unrecorded. In 1952, as a 21-year-old lieutenant, I was ordered to clear a path through an unmapped minefield—one of our own. I argued with my colonel about the advisability of doing such work on frozen, snow-covered ground. Lieutenants seldom win disputes with colonels, so the mine-clearing detail proceeded as ordered until a fine black sergeant named Simmons tripped the wire on a "Bouncing Betty" mine. It popped up from the ground and blew off the top of his head, covering me with his blood and brains. Moments later, another noncom went nuts and stomped out into the minefield, screaming: "I'll find the f----- mines, I'll find the f----- mines!" He was tackled, restrained and led away.

In Vietnam, the U.S. Armed Forces also used land mines irresponsibly, dropping millions of them at random by air. The enemy quickly learned how to disarm these weapons and recycle them for use against us. The infantry battalion I commanded in the Ninth Division took more than 1,800 casualties in a year and a half, most of them caused by recycled U.S. ordnance. Mines cannot secure a flank or defend a position by themselves. For a minefield to be even marginally effective, it must be protected by friendly troops, to knock off the bad guys who want to clear a path or use the mines against you.

Mines never stopped any unit of mine from taking its objective—or the enemy from getting inside my wire. Anyone who has ever been in battle, especially in Korea or Vietnam, has seen enemy sappers crawl through mines and barbed wire and get into their positions. I once faced a Chinese "human wave" attack in Korea. My company was dug in on high ground, with plenty of weapons, ammo and artillery support. Out in front of our position we laid a carpet of mines and flares. The enemy attacked in regimental strength, outnumbering us 9 to 1. They walked through our minefield—and our gunfire—without missing a beat. They cut my company in half and within an hour were two miles to the south, in our rear. The only way out was to move north, so we trudged through our own somewhat depleted minefield to escape, losing two men in the process.

Most serving generals especially the desk jockeys, are in favor of mines. The real warfighters usually want to get rid of them. Whatever defensive punch is lost would be more than offset by the new firearms and missiles that give today's infantry platoon more killing power than a Korea-vintage battalion. "Mines are not mission-essential," says one general, "but they are budget-essential." In 1996, the U.S. Army budgeted \$89 million for land-mine warfare. Now the army is fighting to protect every nickel.

Still, some retired generals want to ban mines, and I agree with them. Governments

can declare land mines illegal, just as chemical weapons were prohibited. Sure, thugs like Saddam Hussein or Ratko Mladic will continue to use them. But users (along with manufacturers and dealers) can be hunted down and punished by an international court. If that happens just a few times, anti-personnel mines will go the way of mustard gas. I'll drink to that, and so will most veterans of foreign wars.

Mr. LEAHY. Mr. President, let me say one last time that we can ban landmines. We can ban landmines certainly within this century. We can ban them if the most powerful nation on Earth, the United States, takes the leadership role that it must in this. If we do what so many other countries have already done, and if we, instead of following them, step out ahead of them, we can ban these landmines once and for all. If we do, our men and women, when sent into harm's way, will be safer. Our humanitarian workers will be safer, and millions of children and innocent civilians around the world will become safer.

I yield the floor.

#### EXHIBIT 1

[From the New York Times, Apr. 3, 1996]

#### AN OPEN LETTER TO PRESIDENT CLINTON

DEAR MR. PRESIDENT: We understand that you have announced a United States goal of the eventual elimination of antipersonnel landmines. We take this to mean that you support a permanent and total international ban on the production, stockpiling, sale and use of this weapon.

We view such a ban as not only humane, but also militarily responsible.

The rationale for opposing antipersonnel landmines is that they are in a category similar to poison gas; they are hard to control and often have unintended harmful consequences (sometimes even for those who employ them). In addition, they are insidious in that their indiscriminate effects persist long after hostilities have ceased, continuing to cause casualties among innocent people, especially farmers and children.

We understand that: there are 100 million landmines deployed in the world. Their presence makes normal life impossible in scores of nations. It will take decades of slow, dangerous and painstaking work to remove these mines. The cost in dollars and human lives will be immense. Seventy people will be killed or maimed today, 500 this week, more than 2,000 this month, and more than 26,000 this year, because of landmines.

Given the wide range of weaponry available to military forces today, antipersonnel landmines are not essential. Thus, banning them would not undermine the military effectiveness or safety of our forces, nor those of other nations.

The proposed ban on antipersonnel landmines does not affect antitank mines, nor does it ban such normally command-detonnated weapons as Claymore "mines," leaving unimpaired the use of those undeniably militarily useful weapons.

Nor is the ban on antipersonnel landmines a slippery slope that would open the way to efforts to ban additional categories of weapons, since these mines are unique in their indiscriminate, harmful residual potential.

We agree with and endorse these views, and conclude that you as Commander-in-Chief could responsibly take the lead in efforts to achieve a total and permanent international ban on the production, stockpiling, sale and use of antipersonnel landmines. We strongly urge that you do so.

General David Jones (USAF; ret.), former Chairman, Joint Chiefs of Staff;  
General John R. Galvin (US Army, ret.), former Supreme Allied Commander, Europe;  
General H. Norman Schwarzkopf (US Army, ret.), Commander, Operation Desert Storm;  
General William G.T. Tuttle, Jr. (US Army, ret.), former Commander, US Army Materiel Command;  
General Volney F. Warner (US Army, ret.), former Commanding General, US Readiness Command;  
General Frederick F. Woerner, Jr. (US Army, ret.), former Commander-in-Chief, US Southern Command;  
Lieutenant General James Abrahamson (USAF, ret.), former Director, Strategic Defense Initiative Office;  
Lieutenant General Henry E. Emerson (US Army, ret.), former Commander, XVIII Airborne Corps;  
Lieutenant General Robert G. Gard, Jr. (US Army, ret.), former President, National Defense University, President, Monterey Institute of International Studies;  
Lieutenant General James F. Hollingsworth (US Army, ret.), former I Corps (ROK/US Group);  
Lieutenant General Harold G. Moore, Jr. (US Army, ret.), former Commanding General, 7th Infantry Division;  
Lieutenant General Dave R. Palmer (US Army, ret.), former Commandant, US Military Academy, West Point;  
Lieutenant General DeWitt C. Smith, Jr. (US Army, ret.), former Commandant, US Army War College;  
Vice Admiral Jack Shanahan (USN, ret.), former Commander, US Second Fleet;  
Brigadier General Douglas Kinnard (US Army, ret.), former Chief of Military History, US Army.

#### SEXUAL OFFENDER TRACKING AND IDENTIFICATION ACT

Mr. GRAMM. Mr. President, I have introduced The Sexual Offender Tracking and Identification Act of 1996 with Senators Biden, Hutchinson, and Faircloth. I would like, this morning, to talk a little bit about this bill, its origins and what it seeks to do.

I begin by asking unanimous consent to have printed in the RECORD a letter of endorsement from the National Center for Missing and Exploited Children.

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

NATIONAL CENTER FOR MISSING  
& EXPLOITED CHILDREN,  
Arlington, VA, April 16, 1996.

To: Senator Phil Gramm.

From: Teresa Klingensmith, Manager, Legislative Affairs.

Date: April 16, 1996.

Re Necessity of Sexual Predators Tracking and Identification Act of 1996.

The benefit of a national sex offender registry network and database, such as the one envisioned in your bill, cannot be overstated. As we see the effects of the mandates contained in the Wetterling Act—presently 47 states have sex offender registry programs—we are made cognizant of the new obstacles to be tackled with regard to sex offender containment. It is time for the next steps contemplated but not attended to in Wetterling.

1. A registry network. Fifty individual state sex offender registries would be sufficient if no sex offender ever moved interstate. Unfortunately, that is certainly not the case. Indeed, these offenders tend to be particularly transient individuals, probably due to the need to conceal the darker side of their lives and seek out new victims. As these offenders move from state to state, they can easily get lost in the paper-shuffling from state to state. A central, federal database and verification system will insure that these individuals do not "fall through the cracks" as they move from state to state.

2. Community notification. Thirty states have enacted community notification laws, and more are being considered in the 1996 state sessions. These laws remain very popular, despite the current judicial debate surrounding them.<sup>1</sup> However, like sex offender registries, these laws are ineffective in the larger scope if offenders can evade them simply by moving across a state line. Already, I receive letters from offenders in prison requesting information about which states have notification programs and which do not. These offenders are not stupid; we must be as clever as they if we intend to protect our children. No current federal law suggests the passage of a community notification program as strongly as your legislation or provides the background on which to build such a national system. No current community notification program will be truly effective until all 50 states have relatively uniform programs; this bill the next step towards such coverage.

3. Release of information. Child molesters dedicate an enormous amount of energy obtaining legitimate access to children. This includes securing positions (if possible) in day care centers, child youth organizations, schools, community centers, etc. In recognition of this, states have responded by passing background screening laws requiring criminal background checks for those who have access/contact with children. Unfortunately, most of these checks stop at state lines. Without a national database of sex offenders and authorized access to that database, these background checks won't accomplish their true purpose. We strongly support your effort to provide such a database.

Sex offenders do not only victimize the women and children they attack; they victimize society as a whole. As a nation we have a depleted sense of security and trust as a result of these individuals. To combat these offenses and their long-term results requires a plan that addresses all the aspects of their behavior and strives to empower the community to protect itself and its children. NCMEC has long advocated a reasonable, responsible, long-range approach to containing sex offender recidivism. I believe your bill is a positive contribution to such a long-range plan and necessary to its development.

The inclusion on the FBI's Wanted Persons Index for unverifiable offenders is a clever and strong answer to a persistent question. Many offenders may be coerced into updating their registration information by the threat of inclusion on that list. It is a practical, no-nonsense solution.

We support your efforts and commend your interest in child protection.

Mr. GRAMM. Mr. President, let me begin with a tragic story, and then talk about a Texas law, what other States have done in the area of sexual

predators, why what they are doing cannot work unless we do our part, and then outline what we are trying to do in this bill.

Three years ago, a 7-year-old girl named Ashley Estell went to a park in Plano, TX, which is an upscale suburb of Dallas, one of the finest communities in America, and certainly we would assume one of the safest. She went to the park that day to watch her brother play soccer. Ashley's brother played in the second of three games to be played that day and while her parents stayed to watch the final game, Ashley went to play on a swing set. Although there were 2,000 people in the park that day, this little girl was, nevertheless, abducted, raped, and brutally murdered.

The FBI stepped in to investigate the case, and asked parents who were there that day to turn in any video cassette recordings they might have taken of games on the playground. The FBI, using the 14 tapes that were turned in, was able to go back and identify a known sexual predator who had been there the day Ashley was abducted. They apprehended him, and after a change of venue to Midland, TX, he was convicted and sentenced to death. His record was a record that we read about every day in the newspaper—he had been previously convicted, had been sentenced to 10 years in prison, had gotten out in just 18 months, and then went to this park and abducted and murdered a little girl.

What shocked Plano, the whole metroplex and, to some degree, the entire country, was not just this tragic crime, but the fact that the FBI, in looking at these 14 tapes, identified not one, but two sexual predators who were there in the park on that day. It turned out that the referee of all three soccer games played that day was a convicted sexual predator, who had fled from North Carolina to Texas to avoid being sent to prison for 10 years.

One of the greatest tragedies was that the soccer league had no way of knowing who this person was and no way of checking his record. Further, there is no national database that can be used to check the records of anybody else who wants to be a scoutmaster for the Girl Scouts or the Boy Scouts, who wants to work for the Boys and Girls Club, or wants to be a Big Brother or Big Sister.

And so, in light of this terrible tragedy, Florence Shapiro, an outstanding young State senator in my State of Texas, wrote a series of bills called Ashley's laws, named after this little girl. These bills sought, among other things, to set up a statewide tracking system for sex offenders, and required a minimum mandatory sentence of life imprisonment without parole for a second sexual offense or for aggravated sexual assault.

Under the tracking system in Texas, before convicted sexual predators can be released from prison, they have to be photographed, fingerprinted, and

have a file built on them. Then, when they leave prison, they have to register with law enforcement authorities in the town that they move into. The law enforcement authorities then notify the school system, print a notice in the newspaper, and make the data available to local civic organizations, local groups, and other groups where you have substantial concentrations of children. With this system, which is in place today, if somebody wants to be a scoutmaster in Plano, TX, the scouting council can go to the local police department and say, "This person wants to be a scoutmaster. Can you look on your computer data base and see if there is a reason that we should be concerned about trusting young children to this person?" This system has been set up in Texas, 46 other States have established similar programs, and I believe Texas' is a model system.

The problem is, since each State has its own individual program, when someone commits a sex crime in Texas and moves to Arizona, there is no mechanism to pick them up in Arizona. The same, obviously, is true if somebody commits a sex crime in Chicago, goes to prison, gets out, and then moves to College Station, TX. There simply is no mechanism to pick them up once they cross State lines.

Senator BIDEN, Senator HUTCHISON, Senator FAIRCLOTH, and I have offered a bill to change this by having the FBI set up, working with the States, a national data base on sexual predators. As the Presiding Officer knows, we are in the process of building a massive criminal data base which is expected to be on-line by the year 2000. This system will be the most comprehensive data base on criminals in the history of mankind. I was chairman of the Commerce, Justice, and State Department Appropriations Subcommittee last year when Florence Shapiro, our State senator, was writing her bill, and it struck me, in providing \$88 million for this program, that this sexual predator effort is never going to work as long as sexual predators can move across State lines and escape the system. Needless to say, we are already beginning to get evidence which proves this. Even though most of these State laws are already in effect, it is becoming increasingly clear that exactly what you would expect happen has indeed happened; that is, sexual predators, in Texas and elsewhere, who are required to register when they move into a community are trying to escape this increased scrutiny. Although we do not have enough data yet to show this conclusively, I think it is increasingly clear that the interstate migration of convicted sexual predators has exploded as these convicts try to exploit the weakness of the current system.

What we are trying to do in this bill is to have the FBI set up a national data base in conjunction with those States that have registration laws, and set up a data base for the three States that have not yet acted in this area, in

<sup>1</sup>Even this judicial debate centers on specific aspects of these laws (i.e. retroactive application) rather than on the spirit of the community notification program. The basic theory of notification has withstood all challenges.

order to develop a national system that all States can participate in as partners. Under this system, any time a sexual predator is released from prison, we will have a comprehensive file on them, and wherever they move we will ensure that the local law enforcement authorities are notified. We will leave it up to the State and local officials as to how they want to use this information. Some States, like Texas, have very aggressive programs which provide for school notification, public notification, and a program through which volunteer civic organizations can use the data base to determine whether someone should be put in a position of trust with regard to children. We do not get into telling the States how to use the data base, we simply assure that they have access to a nationwide sexual offender registry.

Let me, in conclusion, provide an example of how this system might work once this bill is passed and the data base is operating. Let us say that in Tucson you had the principal of an elementary school call up the police chief and say, "We have a strange guy hanging around our school, and maybe I am overreacting to this, but our janitor thinks he saw this guy looking into a bathroom window." What would happen with this system in place is that the police chief in Tucson could send a police officer out to the school, get a description of this individual, get any evidence there might be—a footprint, for example—and if they had a computer in the patrol car, they could actually put the data into the computer at that moment and ask the data base, "Can you take this description and match it against any registered sexual predator within 25, 50, 100, or 1,000 miles of Tucson, AZ?" The computer could then generate, for example, six people who meet this description, and produce color, digitized photographs of those individuals. These photos could then be immediately shown to the principal, to the kids, to the teachers, and to the janitor, and, hopefully, they could identify this person.

In my State, it is a felony for a person who has previously been convicted as a sexual predator against children to be within a certain distance of the school whether they are still on parole or not, and so in Texas the police could go out and arrest this person and put them back in jail before they could hurt someone.

It is important to note that sexual predators have a recidivism rate that is higher than any other known class of criminal activity. The probability that someone who is convicted of being a sexual predator, especially if it is a crime against a child, committing that crime again is estimated to be 10 times higher than the probability that an armed robber who is apprehended, convicted, and sent to prison will commit the act of armed robbery again. As a result, we have a special obligation to be vigilant in protecting society from sexual predators.

Finally, I see this bill as being a first step toward using the power of the information age to deny criminals the one thing they need to prey on society, and that is a dark corner to hide in. I believe that with the explosion of the information age, if we are willing to commit the resources to hire and train law enforcement officials, to build prisons, and to elect and appoint judges that are serious about protecting society, we have the ability to protect our children from people for whom the preponderance of the evidence shows that they are guilty. I think the power of the information age in denying criminals—in this case, sexual predators—a dark corner to hide in is going to give us the ability to have the safest society we have had in over half a century.

I want to be certain that we take this opportunity to achieve these goals and I hope my colleagues will look at this bill and will join us in this effort. We hope to see this bill become law this spring and do not know of any organized effort against it. The ACLU opposed similar provisions in my State, arguing that we were violating the right to privacy of people who had previously been convicted as being sexual predators. My response to this charge, however, is that you do not have to be on this list. If you are concerned about your privacy, do not molest our children. If you do not commit a sexual crime, then you will not lose your privacy. But if you do commit this kind of terrible crime, part of our response will be to take extraordinary procedures to protect society.

So I recommend this to my colleagues, I thank the Chair, and I yield the floor.

Mr. BIDEN. Yesterday, Senator GRAMM, Senator HUTCHISON, Senator FAIRCLOTH, and I introduced Senate bill 1675—legislation to strengthen and improve the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

The Jacob Wetterling Act requires States to enact laws to register and track the most violent, the most horrible—and least likely to be rehabilitated—criminals our Nation faces today. I refer to those criminals who attack our children and criminals who are sexually violent predators.

These criminals must be tracked. And local law enforcement must know when these criminals are in their communities. This was the reason I worked to include this important measure in the 1994 crime law. And I will also point out that almost all States have taken great strides to build an effective tracking system.

Now we seek to build upon this progress to meet three specific goals:

First, we must have a nationwide system that will help State and local law enforcement track these offenders as they move from State to State and will help by providing a backup system of tracking.

Second, while most States have established or are about to establish

these systems, if any States fail to act, we cannot allow there to be a black hole where sexual predators can hide—and are then lost to all States. A nationwide system will track offenders if States do not maintain registration systems.

Third, we must ensure that the most serious sexual predators are required to remain registered with law enforcement officials for the rest of their lives.

All of these key goals will be met by this legislation. In addition, our bill will offer some improvements which are made possible by the nationwide system this bill will provide. For example, our bill will—

Require all offenders to verify their address on a regular basis by returning verification cards with their fingerprints.

Require that a nationwide warning is issued whenever an offender fails to verify their address or when an offender cannot be located.

Institute tough penalties for offenders who willfully fail to meet their obligations to register with the nationwide system in States where there is no registration and in cases of offenders who move from one State to another.

Notify law enforcement officials not only when an offender moves to their area, but also when an offender moves out of their neighborhood.

To offer just one of the practical problems a national data base will help local law enforcement address—Delaware law enforcement, because Delaware is so close to other States, will certainly need to know if a sexual predator lives just over the line in Pennsylvania. And only a national data base can provide this information.

To offer a real life example of why a nationwide system is needed—in Delaware, a sex offender was released last year. Fortunately, Delaware's offender registration law requires this offender—Freddy Marine—to be tracked by Delaware law enforcement. Since his release, Marine has moved to another State. The nationwide system established by this bill will help make sure that if Freddy Marine moves back to Delaware—our State law enforcement will know, and knowledge is the key to effective enforcement.

Let me also point out that our bill would still allow States the flexibility to decide when a community should be notified of the presence of a sexual offender, as State and local law enforcement is in the best position to decide when and how notification in their area is warranted. Frankly, our bill has erred on the side of registering many more offenders than may be necessary. Therefore, the specific decision to require community notification must be left to the State and local officials.

In summary, the sex offender tracking and identification bill is possible because States such as Delaware and Texas have done the hard work to build statewide registration systems. We

now seek to build a system where all movements of sexually violent and child offenders can be tracked and we will go a long way toward the day when none of these predators will fall between the cracks.

Mr. DORGAN. Mr. President, I ask unanimous consent to extend morning business time for 10 minutes so that I might speak in morning business.

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

Mr. DORGAN. I say to the Senators who are handling the bill that when they come to the floor I will certainly immediately relinquish the floor.

Let me say to the Senator from Texas before he leaves the floor that I am interested in cosponsoring that piece of legislation. I met with a group of law enforcement officers recently in Dickinson, ND, in fact, last week. We talked about a wide range of subjects, including the triple "i" index, the interstate identification index, the criminal records base, and there are two things that are deficient. One is there are a great many criminal records dealing with the criminal history of someone who is below 18 years of age, someone who has committed a murder, a rape, armed robbery, and so on, that you cannot get at. If you inquire from a law office in Texas and this person had committed the act in South Dakota, North Dakota, or Nebraska, those records are expunged and withheld. So you do not have the complete criminal history.

The other thing that they talked about was this issue of sexual predators. It is fine for States to have the system, but, if they are not together and interlocked in this interstate identification system, somehow it does not respond to the way we want it to respond.

I listened to what the Senator from Texas had to say. I want to cosponsor the legislation and work with him and others. I think this makes a great deal of good sense.

Mr. GRAMM. I thank the Senator. Let me say we are looking at exactly the problem of at what point should a juvenile go on this database. It is clear to me that, in the society in which we live today, by the time many of these hardened criminals, these sexual predators, are adults, they have already committed many crimes and have established a life style which they are unlikely to break. Senator BIDEN and I are working on these kinds of problems, and we will happily put the Senator on as a cosponsor.

We would also be happy to try to incorporate into our bill any suggestions the Senator or his law enforcement officials might have.

We have a blueprint of what we want to do, but we are very open to try to improve it, and I thank the Senator.

Mr. DORGAN. I appreciate the Senator's remarks. I will cosponsor the legislation and be anxious to work with him on the juvenile crime issue.

#### LEGISLATIVE AGENDAS

Mr. DORGAN. Let me, Mr. President, just take a moment to describe what happened yesterday since the Senate went into recess and I was unable to speak about it.

There are stories in the press today which say that the majority leader pulled the bill on immigration and said that some were trying to hold the immigration bill hostage in the Senate yesterday.

That is not the case at all. It is simply not accurate. It is true that amendments were offered to the immigration bill. My amendment was offered yesterday that deals with a Social Security issue, but I indicated to the person managing the bill I would be willing to accept a 20- or 30-minute time agreement on my amendment. It was not a circumstance where my amendment was going to hold up the bill. There would have been a minimum wage amendment, but Senator KENNEDY indicated he was willing to accept a time agreement of perhaps an hour, perhaps a half-hour, on that minimum wage amendment. So no one could accurately describe that as holding any kind of a bill hostage.

I want to describe the circumstance we were in yesterday and why I had to offer the Social Security amendment. The majority leader has announced in the Senate that he intends to seek reconsideration of the constitutional amendment to balance the budget. He has the right to do that, and when he does it, as I understand the procedure, there will be no debate and no opportunity for an amendment. That is the procedure under which he will seek reconsideration.

As a result of that, those of us who care about an issue that is related to the constitutional amendment to balance the budget, namely the issue of using Social Security trust funds as part of the revenue to balance the budget, wanted to offer a sense-of-the-Senate resolution saying any constitutional amendment to balance the budget that is brought to the Senate floor should create a firewall between the Social Security trust funds and the operating revenues of the Federal Government.

Now, why is that important? Because if you do not do that, we will have nearly \$700 billion of Social Security trust funds misused. They were supposed to have been collected to be saved for the baby boom generation when they retire. But instead, they will be used as revenues on the revenue side of the budget to show a lower budget deficit.

Some of us feel that is wrong. I know that yesterday it was charged, well, this is just politics. It is not just politics. It is an enormously important question that this Senate must address. So far it has addressed it in the wrong way.

The minimum wage, which was also scheduled to be offered as an amendment by Senator KENNEDY and some

others, is an issue they have worked on for over a year. There was not any intention to hold the bill up but simply to say on behalf of those folks out there working on a minimum wage who have for 6 years not received any kind of an increase at all, they have been frozen for 6 years and have lost a half a dollar of their wage to inflation in terms of purchasing power, we will try to give you a slight increase in the minimum wage.

That is what the fight was about. It was not a fight to try to hold up the bill.

Now, the majority leader came to the floor and, apparently with great frustration, said, well, this Social Security amendment and others have nothing to do with the underlying bill.

The majority leader understands how the Senate works. He has been here for a long, long time. He came to the floor when we had family and medical leave in this Chamber and offered a gays in the military amendment that had nothing to do with the bill. It was because he wanted to offer his amendment dealing with gays in the military. It was completely extraneous. It was nonrelevant. But he did it because he felt it was important to do.

On the immigration bill yesterday, the only opportunity, it seemed to us, to be able to register on this issue of the misuse of the Social Security funds in a constitutional amendment to balance the budget, the only opportunity we would have had before the majority leader would bring up the vote on the constitutional amendment to balance the budget was to offer it before he did it, and so we used the first vehicle that came along.

It is not an attempt to frustrate the immigration bill. Much in the immigration bill I support, as do many of my colleagues. The immigration bill will pass the Senate, in my judgment, if the majority leader brings it back to the floor. But he is not going to be in a circumstance where he comes to the floor of the Senate and says: Here is our agenda, and you vote on our amendments and our agenda when we want to vote; and with respect to the things you care about, we are sorry but they do not count; they are irrelevant.

It is not the way the Senate works. And so we are not trying to hold up any piece of legislation. We very much want the Senate to register itself on a couple of important issues.

With respect to whether these issues are just politics, as a couple of people have suggested, I guess if we get to the point when we are talking about a minimum wage for millions of Americans who have not had an adjustment in the minimum wage for 6 years, if we get to the point where we say, well, that is just politics if we want to talk about the minimum wage, they have changed the definition of politics. If it is just politics when we want to talk about \$700 billion of Social Security trust funds being misused to show a lower budget deficit, then they have changed