

spouses. We know they have to make great sacrifices because of our choice of public service. We all join in expressing our sadness at the loss of Erma Byrd, and we stand by our colleague Senator BYRD and his family to help them remember, at this time of loss, those good memories of times together. We know those memories will sustain their family.

Erma Byrd was the guiding star in her husband's firmament—the light that sustained him, healed him, and comforted him. I know her remarkable spirit will continue to guide him not only through this day of mourning but throughout the rest of his life.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in morning business.

Mr. GREGG. I ask unanimous consent to proceed for 15 minutes in morning business.

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

#### IMMIGRATION REFORM

Mr. GREGG. Mr. President, we are about to begin this week a very significant discussion, debate, and, hopefully, passage of some legislation to address what is one of the crucial public policy issues we have as a country, which is the question of how we handle immigration.

We are, obviously, a nation which has been built on immigrants. Every one of us in this country, except for Native Americans, comes from a family that came from somewhere else and immigrated to this country. It is a part of our heritage of which we are most proud, the fact we have been able to assimilate cultures from around the world and bring them to the United States and create America. We should take pride in something that sets an example for the rest of the world to show that people can gather and can live together and can be productive and can produce a nation founded on democracy, freedom, liberty, individual rights, and heritage—heritage which has built a matrix of strength for us as a nation as we bring together peoples from different cultures and we form an America.

E Pluribus Unum, the line above the Presiding Officer of the Senate, says it so well: From many, one. We are, therefore, a nation which needs to have an immigration policy which understands that, which, first and foremost, appreciates and continues to reward the idea that there are people from

around this world who wish to come to America to participate in this country and to make us a more productive place in which to raise their children and to assist us as a nation in being stronger economically, socially, and from a standpoint of inner strength we obtain from having so many different people participate in our country. We always want to be that beacon, that light upon the hill that draws the world to us. As long as people want to come to America, we know we are doing something right, and we should take great pride in it.

We continue to be a place where people want to come and, as a result, we do have issues of how we deal with immigration. But most importantly, as we move down this road, we have to recognize it is critical that we not do anything which tarnishes or chills or in any way undermines that great tradition of America, which is that we reach out our arms to people who wish to come here and be productive and participate in our way of life.

However, unfortunately, over the last few decades, and especially in an accelerated way as we moved through the nineties and moved into this first decade of 2000, we have seen that a large number of people are coming into our Nation illegally. They are not following the course which is available to become an American citizen legally—to immigrate here, to take advantage of our system, and to build on the opportunities that are here but to do it legally. That has become a problem for us. It is a problem, obviously, from the standpoint that it violates our laws. It is also a problem for us in the post-9/11 world where we need to know who is coming into this Nation because of the threat of terrorist acts against us.

For the most part, these people who come to our country have come here for purposes which are good and decent. They want to have a better life. They want to be able to earn a better living. They want to be able to give their families more than they had in the nation they left. That is a well-intentioned purpose. But they have still come here illegally, and we need to address the issue of how we deal with that situation.

This question has been divided into basically two functions. First is how we physically control the borders of our Nation and make sure those borders are reasonably secure so that we have a decent idea of who is coming across those borders and why they are coming into our Nation.

The second question is how we deal with people who have come here to work, to perform tasks which are available to them, people who may already be here illegally, but people who still want to come here and do it in a way that is within the law. And that, of course, involves the debate over a guest worker program.

On the first issue, I have had a fair amount of interest and involvement because I chair the subcommittee that

has jurisdiction over this question, the Subcommittee on Homeland Security. The question of whether our borders are secure is something which, since I have taken over as chairman of this subcommittee, has been all consuming over the last 2 years I have had the good fortune of chairing this subcommittee of the Appropriations Committee. It is pretty obvious to any American that our borders are not secure, that we do not know who is coming in. We certainly don't know who is leaving. We don't know what is coming in, and we don't know, to a large degree, what is going out.

But on the issue of movement of people, we are attempting to address that question. We have over the last 2 years significantly increased the resources going into border security. We have increased the number of Border Patrol agents by almost 2,000. We have increased the number of beds which are available—what is known as detention beds—also by a significant number. We have increased resources flowing in to the border security area, especially in the area of technology capability, trying to set up a system called US-VISIT which will allow us to effectively track who is coming into our country on a real-time basis through using fingerprints and our databases on fingerprints. We have made progress, but we are nowhere near solving the problem.

I wanted to talk briefly about that specific issue and then a little bit about the bigger issue of the guest worker program and how you become an American citizen.

As the Judiciary Committee wrestles with this problem of border security, it is important that we do it the right way, that we think about it in terms of what is going to get the best results versus what is going to get the best press releases.

To begin with, we do not need a wall across our southern border. We don't need it from the standpoint of being able to know who is coming across the border, we don't need it from the standpoint of being good neighbors, and we do not need it from the standpoint of presenting the national culture. Doing that would be the exact opposite of what we should do as a Nation.

There may be sections, clearly, where some sort of fencing or wall will be necessary, sections where the commingling of the border is so close that it is very difficult to control that section without some sort of a definable event which forces people who wish to come across the border through a controlled point, but to run a wall the length of the border as has been suggested by some of our colleagues, especially in the other body, is just anathema to the concept of what America stands for. We want to continue to be a society which says we are open, that we are a place where people are encouraged to come, and that we are a place that reaches out to people who wish to be productive and come here to be productive

citizens. Furthermore, it would cost a huge amount of money, and it would accomplish very little.

So much more could be accomplished through other means, such as the addition of a fairly significant but not dramatic increase in the number of border agents, if we went up to, say, 20,000—we are now at about 13,000—and with the addition of a fairly significant but not a dramatic amount of new detention beds and some creative approach to detention capability such as using former military bases and the facilities that might be available through transient housing. Maybe we could use some of those trailers we have sitting down there in Arkansas which are not being used. But through creative detention capability, we could add the necessary additional beds, and there are not that many needed compared to the overall numbers, with creative approaches using technology, of which we have an unlimited source of ingenuity in this Nation. In fact, every day, it seems as if somebody comes to my office with a new idea as to how to create a monitoring system or some form of monitoring system through the use of unmanned vehicles, through the use of satellite technology, through the use of sensors, which would not cost that much. With the creative use of just adding physical capital assistance such as new cars, new helicopters, new planes for Customs, such as new capacity for the Coast Guard, we could, without a great deal of incremental increase compared to the expending which we do in other parts of this government, effectively monitor and manage certainly the southern border. As a result, we would know who was coming into this country across that southern border, which is where most of the illegal immigration occurs.

Would we solve the northern border issues? Probably not. That is a little different puzzle. The northern border does not have the huge illegal immigration issue, but it does have an equally severe, maybe even more severe opportunity for terrorists, people who wish to do us harm, to cross. There are other approaches which need to be taken there. But as to the southern border, it is totally possible, reasonable, and should be done to manage that border effectively with the addition of some significant resources, but not dramatic increases.

I suggested a year and a half ago that if we increased the capital resources available to the Border Patrol and the Customs Agencies by about \$1.2 billion, we could essentially buy out almost all the major capital needs they need in order to manage the border—all the housing, all the airplanes, all the cars, all the unmanned vehicle monitors, all the technology for detection capability we would need. That is a lot of money by New Hampshire standards, but in the context of a \$1.8 trillion budget, it is certainly a manageable sum. So far, that suggestion has been stiff-armed by the administration and basically lim-

ited as a result of politics here on the floor of the Senate.

In addition to that capital need, which, as I mentioned, is about \$1.2 billion, there is the need to add new agents, and there is the need to increase our capability on the operational side. But again, the dollars necessary to do that are not dramatic, not dramatic at all—probably in the range of \$2 billion of additional funding per year. That is a lot of money, again, by New Hampshire standards, but in the context of overall national defense where we are spending \$440 billion plus \$90 billion on the war on terrorism, for a total of over \$500 billion, an additional \$2 billion to secure our southern borders in the context of personnel increases is not dramatic and is doable. The point is, it would accomplish our goal, which is to secure the southern borders.

I have asked for that to be done. Unfortunately, that has not been done—well, that is incorrect. It was proposed by the administration to increase the commitment of the number of Border Patrol agents. They gave that commitment in their budget submission, but they took it away because they tied it to creating a fee, which would increase the airline user fee, and the practical result of that would be the money which was supposed to be used to add these additional agents would never be realized. But it should be done, it can be done, and if a fee is necessary to do it, it should be done on a fee basis, but a fee that has no relationship to the actual usage.

An airline fee does not impact southern border protection. The airline fee impacts the TSA, and it needs support. It has gone through 2 years of freeze and should be increased in our commitment there, and this fee maybe should be used to do that. But if we are going to have a fee, it should be border related, if that is the way it is going to be done. In any event, it should be done. We should spend those dollars to accomplish this.

The bill that is working its way through the Judiciary Committee has a commitment to these types of efforts, but it is an authorizing bill. It doesn't have to find the money. I have to find the money as an appropriator, and right now the money isn't there. So the ability to accomplish those good intentions isn't there.

Also, the bill that is coming through the authorizing committee creates a number of mandates. It says: This shall be done by Border Patrol, this shall be done by Customs, this shall be done by the Coast Guard. I am not sure it addresses the Coast Guard, but it has a number of mandates for Border Patrol and Immigration, and the practical effect of that is that it is artificially directing and redirecting flows of revenues and resources, and it may actually, as a result of those mandates, end up undermining our ability to effectively address the border. As the bill comes to the floor, which I hope will be

this week, we can discuss that, and I am sure we can deal with those kinds of issues.

But the bottom line is simply this: We can accomplish security on the southern border. We can know to a large extent who is coming in and out of this country. We can limit dramatically—I mean dramatically; down to a trickle for all intents and purposes—the number of people who get into this country illegally across our southern border by the application of resources which, in the relative context of national defense, are quite small and in the relative context of the overall national budget are extraordinarily small. If we have to pay for them, we should pay for them through some sort of a border security fee. It can be done.

Why hasn't it been done? Because border security has been a stepchild around here to national defense for a long time. I find that unacceptable myself. If we are going to have a defense budget which spends \$440 billion, up from \$289 billion just 5 years ago, on top of which we are spending \$90 billion a year to fight a war, one has to ask: What is the core defense budget for? It is not to fight the war, obviously, because we have to spend the next exceptional amount of money on top of it to fight the war, so it is obviously for strategic defense, for personnel, for operations, and it is needed, I guess, for the most part. But if that is the need of critical priority, clearly protecting our southern border is an equal need of national defense. Maybe we should roll the border security effort into the Defense Department and then we would get the resources for it, although I think that would be a bad policy decision, but at least we would get resources.

In any event, in the context of what is important from the standpoint of national security, I can't think of anything—well, there are a lot of things. I think it has to rank right up there at the top, knowing who is coming in and out of this country, when it is our country that is at risk. We know these people want to attack us on our soil, so it is absolutely critical that we have the necessary resources to protect our borders, to know who is coming in and out of our country so we can protect ourselves from people who might cause us harm.

It is also critical that, as a culture, we control this. We cannot survive as a culture if we have a massive amount of people coming into this country illegally. It just doesn't work. People who want to come to this country—and we do want to maintain a very open approach to encourage people to come into this country—have to know that if they follow the rules and if they come here legally, they are going to be able to get in line under the rules and legally and get a shot at American citizenship and participating in the American dream.

So it is critical that we get our southern border under control, and it is

critical that we get our northern border under control. It is critical, we can do it, and we should do it. We should have done it long ago, and we can do it now, and we should make that commitment to those types of resources. As this bill moves forward, I intend to make those points and try to get people to look at this in the context of a doable event rather than in the context of simply a press release event.

Secondly, on the issue of immigration itself, it is also obvious that we have to have a workable guest worker program. We have to have something that says to people: If you want to come here and work and better your family, there is a way we can work that out. We can make that happen. That takes the pressure off of illegal immigration.

As we secure the border, it is clear that some sort of effective guest worker program is necessary. As part of that overall immigration effort, there is one little slice, though, which I believe we need to address. It is a small slice.

Today there is a lottery program where you can essentially send in your name and you are put into a lottery, and you have to be from a country which is deemed underprivileged, I believe; there is some sort of categorization. But if your name is pulled out of a hat, you can get on the path to American citizenship. Fifty thousand names are pulled out of the hat every year, just as a lottery.

At one time, this may have made sense, but it doesn't make sense today. It is very obvious today that just pulling people's names out of hats to put them on the path to citizenship in America is not fair to those people who are waiting in line and who have a reason and who have followed the process and have a purpose, and it is not fair to our Nation. How do we know we want somebody whose name is drawn out of a hat to be an American citizen? What benefit is that to us, other than that the person happened to be lucky?

Thus, if we are going to keep this lottery program, I believe we should change it over to a lottery program which essentially says: If you want to participate in this lottery, you have to have some unique talents or skills which America needs, such as a master's degree or a doctorate in some sort of science or mathematical capability or maybe some foreign language capability, something that America has a use for. So I think we should convert this lottery to that type of an approach.

I note that my time is about to expire and that we have both assistant leaders on the Senate floor, so something big must be happening. Therefore, I will continue this discussion as we move forward on the debate of immigration. But I do believe it is critical to understand that resolving the border issue is a very doable event. There is no complication to this, it is not subtle. It is simply a question of

resources, and we can accomplish it with the right amount of resources placed in the right place. We don't need new laws to do it.

I yield the floor.

#### IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I wish to comment very briefly, because I notice Senator MCCONNELL is on the floor, about the pending immigration bill now before the Senate Judiciary Committee. It is an interesting story, as we watch the news reports, of the people who are gathering across the United States. Over 110,000, some say close to 200,000, came out in Chicago a few days ago; 500,000 in the city of Los Angeles. There is hardly a major city in America where people have not stepped forward because of their concern about this immigration bill.

Who are these people? They are people we always see but seldom come to know. They are our neighbors. They sit next to us in church; they send their kids to the same school as our kids. They probably cooked your breakfast this morning. They probably washed your dishes and cleaned your hotel room. They are watching your children at daycare and they are changing your aging mother's soiled bed in the nursing home. They make sure your putting green is perfect, and they stand for hours every day in a damp and cold place, watching a production line of chicken carcasses come by, so you can invite friends for a barbecue this weekend.

They often live in crowded homes. They deny themselves many things. They sacrifice for their children and in the hopes that, at the end of the week, they might be able to send a small check home to their families in other countries.

Their children are in our military—thousands of them, wearing the uniform of the United States of America. Some have been killed serving our country. At their funerals, people in uniform come forward and present to the grieving parents a flag as a token of their heroism and bravery and their commitment to America.

Now from this Republican-controlled House of Representatives, we learn the way to treat these people is to declare them criminals—criminals. These 11 million undocumented people, according to the Sensenbrenner bill which passed the U.S. House of Representatives, would be branded and prosecuted as aggravated felons, treated the same as armed robbers and rapists—11 million people. That is the bill that came over.

This same Sensenbrenner bill doesn't stop there. It makes criminals of those who offer help. In the city of Chicago is a domestic violence center, Las Mujeres En Accion. I know it because I have been going there for years. It is in a place called Little Village. The people in Little Village are Mexican. Some are citizens and some not. Las Mujeres

is there for battered women. Women who have been beaten unmercifully by their husbands bring their small children to Las Mujeres for safety, for shelter. They are allowed to stay there while the police are out trying to find drunk and abusive husbands and put them in jail.

Under the Sensenbrenner bill which passed in the Republican House of Representatives, all of the volunteers at that center and all of the staff at that center could be prosecuted as aggravated felons. Why? Because the people they are sheltering, many of them, are not documented citizens in the United States.

That is the sad reality of the bill that came over from the House of Representatives. These immigrants are people in America without legal status. Some, indeed, crossed the border in darkness. Some entered legally and stayed on beyond the time given them. Some had their paperwork lost in this mindless bureaucracy of immigration laws. Some came, fell in love, married, and over time they became the only ones in their family who were not American citizens. They are Mexican, they are Polish, they are Irish—they are from many nations. Their ranks have grown to almost 11 million.

Most polls tell us the American people don't want to give them all amnesty, to automatically make them citizens, and no one is suggesting that. But we also realize that deporting all of them, as some have called for, is as unrealistic as well. Even if it were wise—and it is not—it would be prohibitively expensive.

America has two great traditions. We are a nation of immigrants and we are a nation intolerant of immigrants.

How can that be? Many of us have seen examples in our lives. Just a floor away, in my office, is a little framed certificate I value very much. It is my mother's naturalization certificate. She came to the United States in 1911 and some 20 years later became a naturalized citizen. Her son is now the 47th Senator from the State of Illinois. It is a classic immigrant story of hard work and sacrifice so your children can do better. It is a story that has been repeated millions of times by immigrant families who came here at great risk, with great courage, and gave this country something special. The people who came to our shores had the courage to step up one day and say: I am leaving my village. I am leaving my children. I am leaving my family, my culture, my language, my history. I am going to a place I have never been where they speak a language I cannot speak in the hope that I will have a better life.

Think of that courage. They bring it to our shores by the thousands, and change America into this vibrant, growing, diverse Nation we value so much.

Just a few blocks away from where I am speaking, in the Dirksen Senate Office Building, the Senate Judiciary Committee is trying to decide what to