

[Rollcall Vote No. 76 Ex.]

YEAS — 88

Akaka	Dodd	McConnell
Alexander	Dole	Menendez
Allard	Domenici	Murray
Allen	Dorgan	Nelson (NE)
Baucus	Durbin	Obama
Bayh	Ensign	Pryor
Bennett	Enzi	Reed
Bingaman	Feingold	Reid
Bond	Feinstein	Roberts
Boxer	Frist	Salazar
Brownback	Graham	Salazar
Bunning	Grassley	Santorum
Burns	Gregg	Sarbanes
Burr	Hagel	Schumer
Cantwell	Harkin	Sessions
Carper	Hutchison	Shelby
Chafee	Isakson	Smith
Chambliss	Jeffords	Snowe
Clinton	Johnson	Specter
Coburn	Kennedy	Stabenow
Cochran	Kohl	Stevens
Coleman	Kyl	Sununu
Collins	Leahy	Talent
Conrad	Levin	Thomas
Cornyn	Lieberman	Thune
Craig	Lincoln	Vitter
Crapo	Lott	Voinovich
Dayton	Lugar	Warner
DeMint	Martinez	Wyden
DeWine	McCain	

NOT VOTING — 12

Biden	Inouye	Mikulski
Byrd	Kerry	Murkowski
Hatch	Landrieu	Nelson (FL)
Inhofe	Lautenberg	Rockefeller

The nomination was confirmed.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION REFORM

Mr. SPECTER. Mr. President, the Judiciary Committee has just concluded a markup on the immigration bill. For those who may be watching on C-SPAN2, a markup means we take a bill, which was the chairman's mark in this situation, a bill which my staff and I have constructed, taking parts of legislation introduced by Senator MCCAIN and Senator KENNEDY and legislation introduced by Senator KYL and Senator CORNYN, and amalgamated it into one bill with some other provisions which had been suggested by other Senators.

We had hearings on the issue. As is customary, we heard both from the administration and from outside witnesses. We had a series of markups.

Then, today, in an unusual Monday session, we convened at 10 o'clock this morning, and had a working quorum present by 10:10. We concluded right at 6 p.m. this afternoon and reported the bill out.

It is a very emotional issue. It is a very contentious issue. The President called for a civil debate, and we reached that objective. We had a very civil debate. It is expected that there will be considerable controversy when the bill reaches the Senate floor. That is to be expected on a matter as charged and as controversial as is this bill. It is my expectation that the Senate will work its will and will enact legislation. Then, under our bicameral system, we will go to work with the House of Representatives, which has a substantially different approach, having passed a bill that is an enforcement bill. Our legislation is comprehensive, including a temporary guest worker program and an approach to deal with the approximately 11 million undocumented workers in the United States.

On the subject of the 11 million undocumented workers, it had been my hope that we would have been able to reach an accommodation between McCain-Kennedy and Kyl-Cornyn.

Last week, and on Saturday and Sunday, the staff was here working full time, late every night. I was in town all of last week, Monday through Thursday, until Friday morning, trying to come up with an accommodation which would deal with the elements of Kyl-Cornyn.

There is obvious concern that we not produce a bill which would be justifiably categorized as amnesty, and I believe we have a bill which is not justifiably categorized as amnesty. We have a provision that people who were among the undocumented aliens will have to pay a fine, will have a criminal background check, will have to be at work for 6 years, and will have to earn their path to citizenship.

The option of having the undocumented aliens return home is a very difficult decision. There is no doubt they have violated the law of the United States by coming in without complying with our immigration procedures. They have come in because there has been a demand for the workers, because people have wanted to give them work. The employers have given them work. But to expect them to come forward and to identify themselves if they know they are going to be sent home is unrealistic.

It is obviously highly undesirable to create a fugitive class in America. We do not want 11 million fugitives, which is what we have at the present time. It could be possible to make arrests and to have deportation orders. But it is unrealistic to say we are going to find the 11 million, and that we are going to have facilities to detain them. If you detain somebody, you have to have a detention facility. You have to have beds. You have to be able to house them until deportation proceedings are

concluded, and that takes some time. The approach we have undertaken is to try to have them come forward, and have them come forward in a context where we are not rewarding their illegal conduct.

There are people who have waited outside the country for lawful admittance; in some countries, people have been waiting since 1983. Under the provisions of the bill which we passed out of the committee, the 11 million undocumented workers go to the back of the line. They will have to pay a fine, they will have to undergo a criminal background check, they will have to earn their way by working, and if they are out of work, they are subject to arrest and deportation at that point.

We are open to suggestions, as to any Senators who have ideas. We are not in concrete. If somebody has better ideas, there will be full opportunity to offer amendments on the Senate floor.

Title III, which relates to worksite enforcement, requires Social Security number identification, which we did not report out because that is a matter under the jurisdiction of the Finance Committee, and the Finance Committee rules require any amendments to those laws to be signed by 11 members of the committee, a majority of the committee.

Senator GRASSLEY gave us a report on the status in the Finance Committee. They did not have their work finished, so the Judiciary Committee could not take it up. There is a jurisdictional issue with the Finance Committee asserting jurisdiction and perhaps preferring to offer their amendments on the floor.

We did not take up title VII, which is judicial reform, because there is considerable controversy about the chairman's mark on those provisions.

We have included a modification in appeals to the federal circuit courts after the immigration judge has ruled, after the Board of Immigration Appeals has ruled. We have consolidated those actions in the Federal Circuit. We have heard from a number of judicial officials. We heard from the chief judge of the Federal Circuit that with increased resources, the court can handle the additional cases. But with regard to the changes we proposed in trying to provide more independence for immigration judges and in increasing the number of judges on the Board of Immigration Appeals so there are enough judges to write opinions, to try to cut down on the backlog and the number of appeals to the circuit courts, we ought to find out more.

We are noticing a hearing for next Monday morning where we will have an opportunity to hear from the judges, who have already written us: the chief judge of the Second Circuit, and a judge from the Seventh Circuit. We will hear from the chief judge of the Federal Circuit, and consider further the viewpoints of the Department of Justice and others on the issue of the independence of the immigration