

Last October, I met with a number of Senators, including Senators CORNYN and MCCAIN, to discuss my intention to bring the immigration issue to the floor this spring. Why? Because the system is broken. There are millions of people coming across our borders, 25 percent growth last year in illegal immigrants coming across our borders. It is broken. It is broken at the borders, in the interior. And our temporary worker program is broken.

I laid out at that time a specific plan for border security where we had broad agreement and then build on the consensus of border security with a comprehensive approach that included what happens on the interior; that is, the worksite, workplace enforcement, as well as, in the third dimension, fixing the temporary worker program.

Over last week and the first part of this week, we have followed the plan laid out last October. We started with strong border control and expanded to interior and worksite enforcement, as well as what I hope will be a fair, equitable, commonsense temporary worker program. All three elements are necessary.

I am optimistic that by staying focused and by working together—again, this is not a partisan issue, as the Democratic leader knows in talking to his caucus and as I know in talking to my caucus, this is not a Republican or Democratic issue; it is a challenge for all of us to put together a workable, realistic immigration reform bill—we can forge a plan that deals effectively with our national security, that protects the rule of law, and that recognizes that our economic interests can be reflected in strong legal immigration programs.

What we cannot support, however, is amnesty. To me, amnesty is when you give someone who has clearly broken the law a leg up on the pathway to citizenship. Giving illegal immigrants a special path to citizenship essentially rewards people who have broken the law. It simply doesn't make sense when you have other law-abiding people around the world who are being disadvantaged. You are punishing people who follow the law. To give amnesty, as we did in the 1980s and as some propose to do today, simply sends a strong signal to the world or to anybody who would like to come to America that they don't need to obey the law; if you sneak into this country, eventually there is going to be another round of amnesty. That aggravates the problem. It creates a magnet to attract people to this country illegally.

Twelve million illegal immigrants now reside in the United States. We hear the figures—11 million, 12 million, or is it 21 million? We don't really know because they are illegal immigrants. We don't know what their names are. We don't know where they are. We don't know exactly what they are doing. One of the goals has to be to bring them out of the shadows.

What has become increasingly clear from our discussion in the Senate is

that this is not a monolithic group, these 12 million people. Forty percent have been here longer than 10 years. In all likelihood, they are much better assimilated, maybe fully assimilated into our society today. Forty percent have been here less than 5 years. It may be that we will need to break down this group and look at it. Maybe the 40 percent who have been here for greater than 5 years should have some access to a green card, and the 40 percent who have only been here a few months or maybe even a couple years could be dealt with differently. It is not a monolithic group. A successful, realistic immigration program has to acknowledge the different groups and treat them accordingly. Only then do I believe that we can succeed in getting the 12 million people out of the shadows, encouraging them to identify themselves and then function within the system.

In addition, I support a strong and fair temporary worker program that allows people to fill what employment needs we have, to learn a skill, to send money home, to return to their hometowns to help build and develop their communities. As I said last October, we need this three-pronged approach which begins with border security, strengthens workplace enforcement, and offers a fair and realistic temporary worker program for the hard-working men and women who come to this country to earn for their families back home. All three elements are vital. All three require action. Only a comprehensive approach will fix this broken system.

I look forward to continuing our debate this week. I am optimistic that by working together and applying a little common sense, we will come up with a plan that gets the job done and makes America safer and more secure.

Mr. DURBIN. Mr. President, I would like to respond briefly to the majority leader.

Pending before the Senate is a historic piece of legislation, maybe one of the most important bills we have considered in years. We are trying to fix a broken immigration system. It is entirely broken. Everyone concedes that our borders are out of control. At this point, we cannot control the flow of people across our borders, and we have no idea who is coming and going and staying in America. We couldn't afford that in normal circumstances. We can't afford it, certainly, when we are facing a war on terrorism where security is paramount.

The bill we have before us says: Let's fix the borders. Let's make sure we have the appropriate number of officers on the borders, the technology so that people are not coming across illegally. Let's do it right.

After 5 years of failure under this administration, we need to have borders that are better and stronger, and we need to know who is coming.

Secondly, we have to acknowledge that there are 11 or 12 million people in America who are not legally recog-

nized. They are here. They are working every day. They are an important part of our economy, but they are not legally recognized. The question before us is, How do we bring them out of the shadows to the point where we know who they are, where they live, and where they work? The only way to do that is to create an opportunity for them to reach legal status. But it is something they have to earn, not just automatically, not amnesty, no free ride. Don't put them in the front of the line but say to them: If you are willing to struggle hard for 10 or 11 years and meet those requirements, we will give you a chance for the legal pathway to citizenship. That is what this bill is all about.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

#### NOMINATION OF MICHAEL A. CHAGARES TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session.

The clerk will report.

The legislative clerk read the nomination of Michael A. Chagares, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided for debate.

Mr. LAUTENBERG. Mr. President, I rise to express my support for the confirmation of Michael Chagares to a seat on the U.S. Court of Appeals for the Third Circuit.

A Federal judge must be fair, impartial, and well-qualified. I strongly believe that if you look at Mr. Chagares' record and his appearance before the Senate Judiciary Committee, it is obvious that he is the right person for this assignment.

Mr. Chagares is currently in private practice, but he served in the U.S. Attorney's office in New Jersey for 14 years.

Through hard work and diligence, he rose to become the head of the civil division, where he supervised and managed all civil cases on behalf of the United States Government, its agencies and officials. He oversaw litigation, directed legal positions to be taken in court, and approved settlements.

Before he became head of the civil division, Mr. Chagares directed the Affirmative Civil Enforcement Unit of the U.S. Attorney's Office for several years. During his tenure in the U.S. Attorney's office, Mr. Chagares received a