

Democratic amendment pending, of course, that of Senator MIKULSKI—I thought, until we get to the caucus, at least we could accomplish something by talking about the amendments we want to offer.

I will again make a unanimous consent request that after the two distinguished Senators from Florida speak about the Gators, there be 15 minutes a side to talk on the bill or amendments Members wish to offer. And if we do that, again, I realize we would alternate. On the Democratic side it would be Senator NELSON of Florida, Senator MENENDEZ, Senator LIBBERMAN, Senator SALAZAR, Senator DURBIN, and Senator KENNEDY.

I renew that request.

Mr. KYL. Mr. President, might I direct an inquiry to the Senator from Vermont?

Mr. LEAHY. Certainly, Mr. President.

Mr. KYL. If the Senator from Vermont would agree to have the two Senators from Florida speak to their State's accomplishment, as you noted it, perhaps we could then work out the rest of it. I simply have an amendment I want to lay down and not to speak to it, but I hope nobody would object to that. That is what I wish to discuss with the Senator. Can we amend the unanimous consent request to get the conversation started and we can go back and see what we can work out to accommodate Senators?

Mr. LEAHY. Mr. President, I ask unanimous consent the two Senators from Florida be allowed to speak at this point about the Gators as in morning business, but I will then again request at least on our side we have an order of speakers as I have noted.

I ask unanimous consent now simply that the two distinguished Senators from Florida be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Florida.

#### CONGRATULATING THE FLORIDA GATORS

Mr. NELSON of Florida. Mr. President, for anyone who watched on national TV or was privileged to be there in Indianapolis to see the game, there is a profound respect that is now accorded to the University of Florida Gators basketball achievement of being the national champions.

What teamwork. What individual accomplishment. But in that individual accomplishment, what teamwork. For all of that, certainly, a great deal of credit has to be given to the coach.

Florida has long been known as a football powerhouse. But the basketball coach of the University of Florida has now made it, in athletic history, a basketball powerhouse.

Floridians are celebrating this morning, as they have celebrated throughout the night, and with just occasion.

The Florida Gators, coming in, were not at the top seed. Indeed, at the beginning of the season the Florida Gators were not even ranked. Yet this incredible talent, all melded together in extraordinary teamwork, has produced a national champion.

This Senator joins with my colleague from Florida and we offer our heartiest congratulations. Later in the day we will be jointly offering a resolution.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I join my colleague from Florida in congratulating the University of Florida, the Florida Gators, Jeremy Foley, the athletic director, Billy Donovan, the brilliant head coach, and all the members of that very distinguished team in their first historic national championship in basketball for a Florida school.

As a dyed-in-the-wool Florida State Seminole, I must say I take my hat off to the Gators. Today is a day for all Floridians to rejoice in this accomplishment and this victory.

In this accomplishment we have seen not only the magnificent leadership of the coach—and I think he ought to be recognized nationally for that—but also this team that worked and performed in such an unselfish way. We hear the phrase, “they were an unselfish team.” In this day and time, when it is the “me” culture—so much of it is about me, me, me—these guys played as a team. They passed the ball to each other, they contributed as a team, and all were able to make a contribution. The average margin of victory in the tournament was 16 points, which speaks volumes for this very tremendously competitive tournament.

But focusing on Billy Donovan, he is only 40 years old and is now competing in his second National Championship game—the unusual feat of doing it as a player with Providence and now doing it as a coach for the University of Florida. John Wooten, the much heralded and historic coach at UCLA who actually led the Bruins to victory against Florida State in 1972 in the final game, was at UCLA for 15 years before he won his first national title. Billy Donovan is way ahead of that mark.

Today is a terrific day to rejoice, for all Floridians to rejoice for this great accomplishment of teamwork, of a job well done. I will be very happy to join with the senior Senator from Florida in a joint resolution that we will make part of the record.

I want to make sure all in Gainesville and throughout the State know how proud we are here in the Nation's Capitol of the accomplishment of those young men who played so well and displayed such good sportsmanship and unselfishness.

I yield the floor.

#### SECURING AMERICA'S BORDERS ACT—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2454) to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Pending:

Specter/Leahy amendment No. 3192, in the nature of a substitute.

Kyl/Cornyn amendment No. 3206 (to amendment No. 3192), to make certain aliens ineligible for conditional nonimmigrant work authorization and status.

Cornyn amendment No. 3207 (to amendment No. 3206), to establish an enactment date.

Isakson amendment No. 3215 (to amendment No. 3192), to demonstrate respect for legal immigration by prohibiting the implementation of a new alien guest worker program until the Secretary of Homeland Security certifies to the President and the Congress that the borders of the United States are reasonably sealed and secured.

Dorgan amendment No. 3223 (to amendment No. 3192), to allow United States citizens under 18 years of age to travel to Canada without a passport, to develop a system to enable United States citizens to take 24-hour excursions to Canada without a passport, and to limit the cost of passport cards or similar alternatives to passports to \$20.

Mikulski/Warner amendment No. 3217 (to amendment No. 3192), to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, now that we are back on the immigration bill, I thought I might for a few moments discuss in general some of the provisions in it that I think are extremely important and that are being discussed by a good number of my colleagues. I understand the Senator from Colorado wishes to discuss in general an amendment he will offer later. I hope no one would object to that because it does not actually offer the amendments but allows the debate to move forward while the chairman and the ranking member are determining the schedule of events here.

Mr. LEAHY. Mr. President, will the Senator from Idaho yield, without losing the floor, for a suggestion?

Mr. CRAIG. I yield for that purpose.

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

Mr. LEAHY. Mr. President, may it be in order to ask consent that when the distinguished Senator has finished speaking, the senior Senator from Florida be then recognized to speak, all sides retaining their rights, of course, on the offering of amendments?

Mr. CRAIG. With the understanding following that the Senator from Colorado will be recognized? Does that fit his schedule?

Mr. ALLARD. That will work out fine for me.

Mr. LEAHY. I ask further consent that following the distinguished Senator from Colorado the distinguished Senator from New Jersey, Mr. MENENDEZ, be then recognized.

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

The Senator from Idaho.

Mr. CRAIG. Mr. President, for at least a few moments this morning, we have an order to continue discussion on this critically important legislation. Let me say in general that S. 2454, attempting to be a comprehensive reform of national immigration law, setting forth very strict border control efforts, authorizing tremendous expenditures for the purpose of controlling our borders, is a bill that finally is awakening the Senate. Some of us have been engaged in the debate on immigration for a good number of years, but many of my colleagues have, for whatever reason, chosen not to be. They are busy. But there is no question in my mind and I think the minds of almost every Senator today that the American people have said immigration reform is a priority, border control is a priority: Congress, get with it. We no longer can, nor should we, tolerate within our boundaries whatever that number is—7 million, 8 million, 9 million? If you want to listen to Lou Dobbs on television, he will say it is 20 million. Lou Dobbs doesn't know, nor do we know, exactly how many undocumented foreign nationals are here.

We do know some fundamental basics. If we do not control our borders, if we do not control in-migration, in time we can lose our character as a country. We are a nation of immigrants and we are proud of it. We are, as has been said by many, over a historic period of time, a melting pot of the world. It has proved us as a nation to be unique. It has given us our strength. It makes us something no other nation is. How many people can become Japanese? How many people can become an Italian? How many people can become a German? Any one of those nationalities can become an American. Why? It is the uniqueness of our country.

But in becoming an American, we have always put parameters around it. We have always said you had to study, you had to learn, you had to move yourself into the American culture and the American dream. You had to have, and we allowed, an assimilation. What we have lost in the last two decades by not controlling our borders is that very assimilation in the style with which it operated in the past.

Many of us, and most Americans, wish to regain that. It isn't that we deny our heritage; we are tremendously proud we are a nation of immigrants. We want to continue that tradition. It is our strength. But in doing so, you control your borders, you control the in-migration, and you do so in an orderly fashion.

If we control our borders, if we are successful in shutting them down and only allowing to move through that which is legal, in an orderly fashion, what do we do then? With the unknown number of some 8 or 10 million foreign nationals who are here illegally, what do we do with them? Mr. President, 99 percent of them are hard workers. Many have been here for years. They

are a part of our economy. They are a part of our lifestyle. Most of them are contributors. Very few of them are detractors.

A few are. A few are criminals, and they ought to be arrested, if we can find them, and they ought to be thrown out of the country. But what do we do if we take all the rest and toss them out? Who fills those jobs? Who meets those demands? Who does the kind of work about which the average American citizen today says, "I won't do that," yet it is critically important—for the food on the supermarket shelves of America, for the beds in the resorts and the hotels, for the landscape, for construction, for the oil patch. You name it. Illegal foreign nationals are everywhere in our economy today whether we like it, whether we are willing to admit it. They are here in part because of our negligence, but they are also here because they have been needed, because our economy asked them to come and there were no restrictions for them to gain entry other than to walk across a border that was unguarded and uncontrolled.

In that act they broke the law, our law. This bill tries to fix it. I can't tell you on face value it does. What I do know is it will take billions of dollars and a lot of trained personnel to go job site by job site to secure those who are illegal and to move them through a process toward legality or out of the country. I am not sure we are prepared to do that yet.

I am convinced of one thing: We can control the borders and we should.

Starting nearly 5 years ago, I recognized this in American agriculture because American agriculture came to me. I have worked with them closely on a variety of issues. And they said: Senator, nearly 70 percent of our workforce is illegal and we know it, and it is wrong and we want to fix it because we don't want to be operating on a shaky base. We need these people to pick the crops, to harvest the crops, and to process the crops. We need them on a timely basis. They need to be reliable. The current system is broken and it doesn't allow it. It only identifies 40-some thousand legal agricultural workers a year, and there are 1.2 million that are necessary. The system is broken.

I began to work with them. We worked collectively and came up with a bill. We worked with Democrats and Republicans, House and Senate. We worked with Hispanic groups, we worked with labor unions, we worked with the farm organizations, and we produced a bill known as AgJOBS. We looked at all of the compromises that had to be made. We tried to recognize those who had been here illegally but had been here for a long while, and those who were just coming and going—the day laborers on the Mexican-Arizona-California border who come across to work for the day and go back across at night to their homes.

This is a phenomenally complicated issue. S. 2454 is the bill that I and others crafted known as AgJOBS.

For just a few more minutes, I will walk you through one portion of it. It is a two-part bill.

It deals with those who are currently here working in agriculture, and then it goes over and reforms the H-2A guest worker program, to streamline it, to take out the bureaucracy, to make it function in a way that is the kind of program that many are talking about today, a seasonal worker, guest worker program, to come to work, to go home but to recognize the need to treat those folks humanely, to offer to them the jobs that Americans won't do, to assist where we can, to recognize that our economy needs them and they ought to be dealt with appropriately.

How do we then deal with this 8 million? Let me talk to you this morning not about 8 million but about 1.2 million, just a small window but I believe an opportunity while looking through that window to see what the rest of America is like and in part what those 8 million illegals might be like. It is to recognize them, it is to identify them, it is to have them come forward if they have been here 3 years—since 2003—working and can demonstrate that they worked for 150 days in agriculture and then to allow them to earn the right to stay by continuing to work in agriculture for another 150 days up to 5 years.

It is a pilot program. It allows only 1.2 million during that 5-year period. It allows them to adjust and to gain a blue card—legal working status.

Is it amnesty? Well, somebody will call it that. Others have already called it that. I call it earning a status. They have to pay a fine. They have to pay a \$500 fine. They have to have a background check. If they have a legal record of misconduct and criminal conduct, they don't qualify. They will have to be deported.

So there is a true tightening of the relationship with these workers, but it is a clear understanding that those workers are needed and necessary in the workforce. Agriculture, like no other business, is what it is at the time it is. By that I mean when the fruit is ripe, you pick it. If it isn't picked, it rots on the vine.

Much of what we do in agriculture is hand labor. It is intensive, hard work, backbreaking in the hot Sun kind of labor. The average American citizen says: I don't do that kind of work anymore but, oh, do we love the abundance of the supermarket shelf.

There are people who will do that work. Many of them are here as migrant workers, illegal foreign nationals doing just that work. They see it as an opportunity because any job in America is better than an entry job in Mexico. They come here, earn money, and 90 percent of them want to go home after they have earned their money. They go back to their nation, Mexico. They can live better than they have

ever lived because of the money they earned in America—in the United States. But 90 percent of them say: We don't want to become American citizens. We want to come and work. We are Mexicans. We like being Mexicans. We are proud of that.

The story goes on and on. I will spend more time on the details of this issue.

There are those offering amendments to change the AgJOBS provision. Some may pass, I don't know. I believe we have a quality product that has been years in the making, not only before the Judiciary Committee but Democrats and Republicans alike. Farm workers and farm organizations and American agriculture have been meeting for 5 years to try to identify the problem and to correct it. That work effort is here in this bill. It is a quality work effort. It is one that ought to be defended. It is one that clearly recognizes all of the differences in the American economy today and the uniqueness of agriculture.

Let me close with this thought. The average illegal in our country today will say when asked—and they have been asked by people they trust—how long do you stay in an agricultural job? It has been said by some—and I believe it is true because it has been said by those who are here in those jobs—they say: We see agriculture as the door to entry. We stay there a couple of years. We learn the ropes. We get to know your country a little better, and then we go out to other jobs—construction, home building, the service industry and oil patch, and a variety of other areas across the country where day laborers, backbreaking labor, hard labor is required as the uniqueness of that particular place of employment.

So agriculture is kind of the window, the door of entry that many come and work in before they go elsewhere. That is why it is important, no matter what we do, that we try to get this right, to control our borders, to begin to identify where the borders are controlled, where people go, and what our needs are and what their needs are and to treat them appropriately and humanely.

That is the essence of a part of the bill. Other amendments will come as we work through this bill in the coming hours and in the coming days.

To all of my fellow citizens who are listening and watching, the Senate is now focused. You have asked us to deal with immigration in one form or another. There are 100 different ideas on how we get it done, some very Draconian and some very forward-looking. I think AgJOBS kind of fits in the middle. I think it kind of sorts out the problem. It is a realistic, practical approach to identify how the fruit of America literally gets picked in a reasonable, responsible fashion while at the same time treating those who do that work in a humane and appropriate way.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, is it my understanding that I will not offer the amendment but will speak on it?

Mr. LEAHY. Mr. President, the Senator from Florida is correct. I am told that amendments will be offered on the side. It would be either the Democrat side or the Republican side. There would be objection but Senators agree to speak about amendments and are encouraged to speak about amendments they intend to offer.

Mr. NELSON of Florida. Mr. President, I thank the Senator. At some point I will be offering amendment No. 3220 and amendment No. 3221. I want to take this opportunity to explain those amendments as we are coming down to the moment of truth and what we are going to do on an immigration bill.

It has been the position of this Senator that we have two goals to achieve. It is essential in immigration reform that we achieve both of these goals. One is the protection of our borders, not only for the purpose of immigration but also for the purpose of protection from terrorists infiltrating the country. The other goal is the protection of our economy.

Where we have in effect American amnesty, as my colleague from Florida has already described, under the existing situation with 11 million illegal aliens or undocumented workers in this country and nothing has been done about it—in effect, amnesty is the de facto situation.

How do you accommodate the economic needs of major industries in this country with the workforce that they need and have 11 million undocumented workers come out of the shadows so that they can have a legal status? That is the balance that we are trying to achieve.

On the one hand, border security, on the other hand, the provision of an economic workforce that will keep the economic engine of this country humming.

I might say that three of the major industries that employ undocumented workers are three big industries in the Presiding Officer's State and in my State of Florida; that is, agriculture, the construction industry, and the service industry, particularly the travel and tourism industry which is very apparent in our States.

Finding that right balance is what this is all about. What I want to do is offer a couple of amendments that will help us enhance our border security provisions more so than the existing committee bill that has come out of

the judiciary. Specifically, what I would like to see based on the GAO report and also the inspector general's report, which both recommended that with the enhanced electronic surveillance and new kinds of technological devices such as unmanned aerial vehicles, that we integrate all of this in more of a comprehensive system that can talk to each other.

For example, if we are talking about electronic sensors on a fence, the electronic signal goes off. Instead of that just coming, as the committee bill would provide, to a Department of Homeland Security employee who then would have to notify someone, that electronic signal would automatically be integrated to activate cameras in that particular area. And you would have this integrated technological system. That is one of the amendments I will be offering to automatically activate, in this particular example, a camera to focus itself on the direction of the triggered sensor rather than relying on a DHS employee wasting time trying to find the right spot and focus the camera.

Another example would be to require the sensing equipment on an unmanned aerial vehicle be fully integrated with the systems used by DHS personnel on the ground so the images and the data are sent automatically to multiple ground stations. We have seen in the past where DHS has unsuccessfully exercised its discretion to implement and integrate an automated program as evidenced by the report from GAO and also the inspector general's report. That is why this amendment is going to be necessary to enhance what the Judiciary Committee has already done.

Later on I will offer amendment 3221. This amendment is going to address the problem we have now, which is absolutely inexplicable and inexcusable at what our border people are forced to do. They arrest someone who has illegally come into this country. They arrest them and then release them. Not back in their country of origin; they release them in America. And then guess who doesn't show up when their immigration hearing is called. It defies common sense. This catch-and-release program we have now is not effective or efficient. It is bewildering. In some areas of the border, up to 90 percent of the captured aliens are released after being caught by DHS. Of course, of those 90 percent who are released, only 10 percent appear for their subsequent immigration court hearings. That is simply not acceptable.

How are we going to remedy this? The Judiciary Committee bill started the process. What they are offering is to build some new facilities or detention facilities. The committee does not build enough. What I am suggesting is we build facilities with an additional 20,000 detention beds over and above what the committee is recommending so we can begin to get control, get our arms around this immigration system. If it is not possible for DHS to secure

further detention space quickly enough, this amendment, which I will offer, will require DHS to examine other secure alternatives to detention.

This amendment will also ensure that there are no questions on whether detention facilities are safe, if they are clean, if they are secure, and if they are consistent with DHS policies and consistent with America's tradition of providing secure, safe, clean facilities to people fleeing persecution from other countries.

I will offer two commonsense amendments that my colleagues will accept. Clearly, it is intended as an enhancement to improve the committee bill. Hopefully then we can come out with a good work product and address this immigration chaos we have in this country at this moment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, in this debate on immigration reform, there are three basic goals I have in mind. No. 1, and foremost, I want us to seal our borders. I wish to see us identify the illegal aliens we have in this country. We don't know for sure how many are in this country. We hear a lot of numbers thrown out. Originally it was 8 to 10 million and now it seems the common number being thrown around is 11 million. But when you get right down to it, nobody knows how many illegal immigrants we have in this country. We need to identify those individuals to help reach some reasonable conclusions.

The third goal is to do it in a manner that does not disrupt our economy.

And, finally, I don't believe we should have amnesty.

I have a couple of amendments I am going to be presenting to the Senate. The first amendment is an attempt to put together a plan. We direct the agencies to come together with a plan on how they are going to manage immigration, both from a diplomatic point of view as well as from a border immigration point of view. That particular amendment I hope will be accepted as a managers' amendment. I don't expect it to be controversial.

The other amendment I will talk about this morning I hope to call up later today for a vote. That is amendment numbered 3216. I will not call it up this morning, but I will debate it in the Senate and describe the amendment as to what it does.

I rise today to share with my colleagues six words I believe will be as surprising to others as to me. Those words are "advocacy of terrorism not always exclusionary."

Am I reading these from a terrorist handbook? No. Am I reading them from the United States law passed by the Congress and signed by the President? Most certainly not. Am I reading it from a how-to book on exploiting loopholes in the United States visa system? I may as well be.

Colleagues, believe it or not, I am reading from our very own Department

of State Foreign Affairs Manual. The same Foreign Affairs Manual issued to the Department's 25,000 employees located in more than 250 posts worldwide. Even more alarming, this is from the chapter that instructs our consular officers to whom visas should be issued.

Visas are, of course, the ticket foreigners, including terrorists, need to enter the United States. This instruction says to the consular officer deciding whether to issue a visa that they need not deny a visa to an individual who advocates terrorism. I, for one, cannot imagine a more pertinent ground for denial. If advocacy of terrorism is not grounds for exclusion, then I don't know what is.

Not only am I concerned about the message this sends to our dedicated consular officers, I am just as concerned about the message this sends to terrorists. It says to them, feel free to lay the groundwork for an attack at home, apply for a visa, and come to America to finish the job. This is not the message the United States should be conveying to terrorists. This Congress has already passed important legislation denying visas to terrorists, including in the PATRIOT and REAL ID Acts. The REAL ID Act, signed into law on May 11, 2005, specifically states one who endorses or espouses terrorist activity is inadmissible. The REAL ID Act became public law on May 11 of last year, 8 days after publication of this manual. Yet today, more than 10 months later, the State Department is still instructing its consular offices that advocacy of terrorism may not be a ground for exclusion.

Certainly, the State Department needs to send a message that we in Congress are serious about securing our borders and particularly serious about preventing known advocates of terrorism, people who are most likely to wish harm to our country, from entering into the United States. Admittance to the United States is a privilege; it is not a right. My amendment says if you advocate terrorism, you lose the privilege of coming to the United States, recognizing, of course, that special circumstances under which someone who meets these criteria may nonetheless need to be admitted. My amendment does nothing to change the authority of the Secretaries of State and Homeland Security in consultation with the Attorney General to waive an individual's inadmissibility when they deem it in the interest of the United States.

I will urge my colleagues to join me in voting for this amendment that slams the door shut on the face of advocates of terrorism who seek to cross the borders into our country.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, from the district I had the honor of representing over 13 years in the House of Representatives, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to oppor-

tunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success.

Like millions of Americans, my own parents came to this country fleeing tyranny in Cuba and searching for freedom. Because of this debate we continue today, this has a special and personal interest to me.

America has a proud tradition as a nation of immigrants and a nation of laws. Unfortunately, our current immigration law and systems are broken and have failed us. We need tough, smart, and comprehensive immigration reform that reflects current economic and social realities, that respects the core values of family unity and fundamental fairness, and that upholds our tradition as a nation of immigrants.

We need to aggressively curtail crossings at the border. We need tough border security and enforcement measures that prevent undocumented immigration so our immigration system is safe, legal, orderly, and fair to all.

Our goal should be neither open borders nor closed borders but smart borders. In a post-September 11 world, our efforts must be tough and swift to ensure the borders of the United States are controlled. Unfortunately, that is not the case right now. We have all heard about and seen what is happening along our borders. Crimes are up in our border communities and overpowering local law enforcement's ability to address these challenges.

So-called "coyotes" or human smugglers charge thousands to bring people into this country illegally. Because of this, organized criminal organizations have entered the business of trafficking humans into the United States. In fact, there are reports there is more money in smuggling undocumented aliens into our Nation than smuggling drugs. That is why the first step of any immigration reform proposal must be to secure our lax and broken immigration system.

Our porous and dangerous border and uneven enforcement of our Nation's current laws are significant security risks. Immigration reform is needed to protect America and restore the rule of law.

It is unbelievable, however, under the nature of that reality that when we look at the Clinton administration in 1999, 417 businesses were cited for undocumented immigration violations. If we look at the Bush administration in 2004, only three employers were issued notices by the Bush administration. That is why I support stronger immigration enforcement, not only at our borders but at our workplaces as well.

We must take full command of both human capital and technology to truly secure the borders. This can be done by stronger screening at our consulates and ports of entry, better use of technology, such as unmanned aerial vehicles along our borders, and ensuring that our border agencies have both the

necessary staff and the resources to do their jobs.

Time and time again, we in Congress have passed many of these provisions into law. The question is not whether we will pass them again but whether we will actually provide the funding to make these security improvements a reality.

Over a year and 3 months ago, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act.

I was one of the conferees on that bill. I would remind our colleagues that it contained over 40 sections and 100 pages of immigration-related provisions. These tough but smart, new measures included, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators, detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

Now, I am sure the American people assume that their Government not only implemented but also fully funded these tough measures to secure our borders and ensure our Nation's safety. Unfortunately, the President and this Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, Congress has only funded 1,500 of the 2,000 new Border Patrol agents called for this year by that law, less than half of the 800 immigration enforcement investigators, less than half of the 8,000 additional detention beds required. So much for being tough and for fully funding what has already been passed and called for.

While the Senate must be tough and smart in the legislation it passes, I do not want it to be mean-spirited. I was still a Member of the House of Representatives last December when that body considered the Sensenbrenner bill, H.R. 4437. Beyond the heated rhetoric that existed during the debate on that legislation, the bill itself was shortsighted and even mean-spirited.

Since it makes a felon out of anyone who is here in an undocumented status, it would require the most massive roundup and deportation of people in the history of the world. I believe that is both highly unlikely and impractical on many levels, including due to both the budgetary and economic impact on our Nation and its economy.

That bill would also criminalize citizens of the United States. Under the guise of a much broader definition of smuggling, that bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants.

Under the Sensenbrenner bill, an American citizen who helps an undocumented alien under any of these circumstances would be found guilty:

A rape crisis counselor who is assisting a woman who has been raped would be guilty of a crime for "assisting"; the church group that provides food aid, shelter, or other assistance to members of its community would be guilty of a

crime for "assisting or encouraging"; an aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital would be guilty of a crime for "transporting"; a counselor who assists a victim of domestic violence and her children would be guilty of a crime for "assisting or encouraging"; Catholic Charities or other faith-based groups or lawyers who give advice on immigration procedures would be guilty of a crime.

I don't believe any of those provisions are the Christian values we so often hear talked about on the Senate floor. Because of those very troubling provisions, I certainly could not vote for that legislation. In doing so, I hoped that the Senate would work not as Democrats or Republicans but as Americans to bring our policies in line with our Nation's ideals and values.

History is replete with examples of the United States of America being a welcoming nation. But, unfortunately, the public dialog through the years has been less than welcoming. Over the decades, the influx of immigrants of various ethnicities has caused concerns and in many cases heated comments against such immigrants to our Nation. In some cases, there were even laws enacted to limit or ban certain ethnicities from being able to come to the land of opportunity.

Before the American revolution, Founding Father Benjamin Franklin wrote of the influx of German immigrants to Philadelphia. He said:

Those who come hither are generally the most stupid of their own nation.

Henry Gardner, the Governor of Massachusetts, in the middle of the 19th century, saw the Irish as a "horde of foreign barbarians."

Finally, a 1925 report of the Los Angeles Chamber of Commerce stated that Mexicans are suitable for agricultural work "due to their crouching and bending habits . . . , while the white is physically unable to adapt himself to them."

We should not stand for rhetoric that focuses solely on the weak and says nothing about those who benefit the most from immigrants' contributions—the corporations and, ultimately, all of us, the consumers of these goods and services. Let's face it, we are all a part of the equation that contributes to this unfortunate situation in which we currently find ourselves—the fortunate among us in our country who have nannies to care for our children, maids to clean our hotels, motels, and even our homes, landscapers who maintain our lawns, and so many others who make a difference in our daily lives. Yet they seem to be invisible to us. Yet they, too, those who employ them, are part of the problem as well.

It does not end with the rhetoric. There has been a concerted effort over the past few years, through piecemeal proposals, to make our civil servants do things they do not even have the proper training to do. These efforts

have included anything from trying to make our caregivers and doctors into police officers and our school teachers into INS and border security agents.

Changes to our immigration system cannot be done in a patchwork approach. They need to be undertaken in a comprehensive manner that can provide us with a safe and orderly immigration system that preserves family values, rewards hard work and sacrifice, and is in the national interest and benefits all Americans.

Now, let me be clear. I am first and foremost for hiring any American who is willing to do any job that is available in this country, any American who wants to do the backbreaking work that is so needed in our agricultural sector, to clean the bathrooms in our hotels on their hands and knees, and to do the work in our meat-packing plants across our Nation. These are done largely by immigrants. They should be available to any American who wants to do it first.

But many of us know all too well this is not the case. Like my parents—and I am sure many others here—immigrants have not come to this country to be taken care of. They have come to work hard—very hard—to provide for their families, and all they want is a better life for their children.

It is in the national interest to have all those here seeking the American dream to be able to fully participate and contribute to American society. Those who bend their back every day picking the fruits and vegetables that end up on our kitchen tables are part of America. Those who, through the sweat of their labor, dig the ditches that lay the infrastructure for the future are part of America. Those who are on their knees cleaning the hotel and motel rooms for our travelers are part of America. Those who plucked the chicken or deboned the meat we had for dinner last night are part of America. And those whose steady hands and warm hearts help the aged, the sick, and disabled meet their daily needs are part of America.

These men and women who, through hard work and sacrifice, are seeking the American dream need to be brought out of the darkness and into the light of America's promise. It is in the national security interest of the United States to know who is here to seek the American dream versus who is here to destroy it.

That is why I support the comprehensive immigration reform proposal that was reported out of the Senate Judiciary Committee in a bipartisan manner. It is perfect? No. But it is tough, smart, and balanced, unlike either the Sensenbrenner bill or the bill offered by the majority leader.

The Judiciary-reported bill will enforce our laws, protect our national and homeland security, while also reflecting current economic realities and respecting the core values of family

unity and fundamental fairness. It secures our borders through the increased use of aerial vehicles and sensors, while increasing the number of Border Patrol agents and immigration enforcement investigators. The Judiciary Committee bill has very strong border security and enforcement provisions that go even beyond the bill offered by the majority leader. For example, it makes tunneling under our borders a Federal crime, adds new criminal penalties for evading immigration officers, makes manslaughter an aggravated felony, and adds 12,000 new Border Patrol agents over the next 5 years. This bill provides a way for future workers to safely migrate to the United States in a legal process, works with labor and worker protections, and addresses the family backlog so that families can be reunited.

The Judiciary Committee legislation would also allow the possibility for temporary guest worker permits. Those who try to portray the bill as amnesty are, I believe, moving us in a direction to seek to, in essence, express the sense of fear. In fact, the Judiciary Committee legislation would punish those who are here in an undocumented status by requiring them to meet all of the following requirements before they can even join the path toward earned legalization. They would have to pay a couple thousand dollars in fines and fees. They would have to pass a criminal background check. They would have to go to the back of the line behind all applicants waiting for green cards. They would have to pay any and all back taxes. They would have to remain continuously employed going forward. They would have to pass a medical exam, and, yes, they would have to learn English and learn U.S. history and government.

So as Senator GRAHAM stated, this is an 11-year path—an 11-year path—to earned citizenship, not amnesty.

There is a broad and diverse coalition supporting the comprehensive immigration reform in the Judiciary bill. This unusual coalition includes individuals and organizations from our business, civic, civil rights, faith, immigrant, and labor communities.

So in closing, let me commend Senators SPECTER, LEAHY, KENNEDY, GRAHAM, and all the Senators on the Judiciary Committee for the work they did in producing a bill that moves us much closer to once again controlling our borders, while upholding our tradition as a nation of immigrants and laws.

However we got here, from wherever we came, we know that we are now in the same boat together as Americans. And together, hopefully, this Senate will act to make this journey a safe, orderly, and legal process that preserves and fulfills that American dream for all.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. VITTER. Mr. President, I rise today to speak about the crucial issue we are addressing as a nation and as a U.S. Senate, this immigration question.

I continue to have grave concerns about many of the provisions that are now before us. I am going to talk about some of those general concerns, and then I am going to outline two specific amendments I will be offering on the floor of the Senate that help meet them.

It is often said that Americans have a very poor sense of history; we do not read history much; we do not remember past mistakes and past lessons; we don't learn from history. I am afraid much of the debate and activity on this question on the floor of the Senate is another example of that because we went through very much the same sort of debate in 1986, the last time the Congress addressed illegal immigration in a major way and passed a more limited amnesty program.

It is instructive to look back and read those debates. It is enormously instructive to understand the arguments pro and con, during that debate in this very Chamber. And if one does that, one gets an eerie sense of history repeating itself. Unfortunately, it is a history of mistakes and missed opportunities which only made the problem worse. I encourage all of my Senate colleagues to go back to those debates, to read those words and statements and the arguments pro or con to get a sense of that history.

In terms of supporters' arguments for the legislation in 1986, many of exactly the same arguments were made. If we deal with this problem one time, if we create this program and deal with then 3 million illegal workers and immigrants in this country, we can solve it once and for all, and then we will have a true enforcement mechanism that will never let the problem recur or grow again—an interesting set of arguments, the same arguments we are hearing now.

What has happened since 1986? On that, the history and the record should be crystal clear. We didn't solve the problem back then. We passed major legislation which included an amnesty program, and the problem grew by 400 or 500 percent, a problem that was maybe 3 million illegal workers in our country back then. Even after so many of them were granted amnesty and given legal status, what do we face now? We face 12 million, perhaps more, illegal immigrants in this country.

What is the simple lesson of that bit of history? The simple lesson is that we never got real with border security. We never got real with enforcement. And perhaps the most important lesson—

that anything akin to an amnesty program is going to encourage a lot more of that illegal activity which we are still not fully prepared to deal with on our borders.

The simple but basic conclusion I reached from that important history is that we need to address border security and enforcement first. We need to get real and prove ourselves on that side of the equation first because we have never effectively addressed that in the past, including 1986.

My plea to all of my colleagues is that we address this major issue in a simple two-step approach. First, let's do what there is wide consensus on, let's pass important border security provisions. Let's pass important and vital enforcement provisions, including those which go directly at employers who break our law by hiring illegals. And let's prove to ourselves and our constituents that this can and will be done.

Talk is cheap. And if it is cheap anywhere, perhaps it is cheapest, quite frankly, in the Congress. We talk a good game about this issue. We talk about enforcement in the context of this debate. But the simple fact is that we have never proven ourselves on the issues of enforcement and border security.

Talk is cheap. When we talk about authorization language, we all know authorization language is one thing, but appropriating the money to have true border security and true enforcement is quite a different and more challenging step. So let's not just talk. Let's act and let's prove ourselves. Let's do that before we run headlong into other provisions that are being debated, such as provisions that would be tantamount to amnesty.

I will offer two amendments—one a broad global amendment and one a much more focused amendment—that are both consistent with this general philosophy that talk is cheap and that we need to act and prove ourselves with regard to border security and enforcement before we run headlong into these other issues.

My first amendment is No. 3264. It does several essential things with regard to the Specter substitute No. 3192 currently before the Senate. It would strike what is often called the temporary worker program in the Specter substitute. It would also strike the title VI amnesty program in the Specter substitute. It would direct different elements of our Government to study important issues that have come up in the debate so we have a fuller sense of the implications of what some would rush headlong into.

Specifically, it would direct three studies to be done within 1 year of enactment of this bill. First, the Department of Labor would study the need for guest workers on a sector-by-sector basis and the impact of any proposed temporary worker program on wages and employment opportunities available to American workers. Clearly, in

this country there are needs in our economy that are not adequately being met by American citizen workers. But just as clearly, opening ourselves full throttle with a very broad amnesty program or a very broad temporary worker program that would grow automatically over time has the risk of bringing down wages and opportunities for American workers. We need a much more careful and precise examination by some entity such as the Department of Labor on a sector-by-sector basis as to what the consequences of this would likely be.

Secondly, my amendment would propose a GAO study establishing minimum criteria for effectively implementing a temporary worker program and determining whether the Department of Homeland Security has the capability to enforce such a program. If GAO determines that Homeland Security does not effectively have that capability right now, then they should determine what additional manpower and resources would be required to ensure effective implementation.

Again, some on this floor are proposing a mammoth change to our immigration policy—a new temporary worker program—without our having a precise idea of what manpower and other authorities Homeland Security needs to implement and enforce such a program. We need to know that on the front end. We need to have that in place on the front end before we rush headlong into any temporary worker program.

The third study my amendment would mandate is a Department of Homeland Security study to determine whether border security and interior enforcement measures enacted as part of this act are being properly implemented and whether they are effective in securing U.S. borders and curbing illegal immigration. We often talk a good game in terms of border security. We often talk a good game in terms of enforcing the laws presently on the books in the interior of the country. But we need a much more precise sense of what it will really take to bring enforcement to all of those provisions—proper, full implementation. We need to hear from DHS in a lot more detail about what they will need—manpower, authority—to actually implement and make this work before we rush headlong into temporary worker, amnesty, and other provisions.

I will offer a second amendment on the floor. That will be No. 3265. That is a much more focused micro-amendment. The first amendment I described is a broad amendment to meet the major objections I have with the Specter substitute. The second amendment is much more narrow. It specifically addresses the following issue: Right now, the Specter bill requires that illegal aliens prove they have been employed since January 7, 2004, in order to take the next steps toward citizenship.

How does one prove that? Well, they can show IRS records. That is one pos-

sibility. They can show Social Security records—that is another—or other records maintained by Federal, State, or local governments. Their employer can attest that they have been working. That is yet another possibility, although one has to wonder how often that is going to happen since we are talking for the most part about illegal workers. Their labor union, daycare center, and other organizations can attest that they have been dealing with these people inside the country since at least January 7, 2004. But that is not the only thing they can produce.

If all else fails, they can do the following: They can have a nonrelative sign an affidavit, an attestation, that they have been in this country since January 7, 2004. Anyone who is not blood-related to them may do so. Clearly, this is an open-ended invitation to fraud and abuse. Clearly, having such an affidavit as a possibility with no supporting documentation, with no testimony from any Federal Government agency or State government or local government agency is a wide-open invitation for abuse. So my second amendment will simply close this door to fraud and strike the sworn affidavit or attestation provision in the language currently on the floor.

I urge all of our colleagues to look carefully at these two amendments. More broadly speaking, I urge my colleagues to think long and hard about the lessons of history with regard to this particular issue. We have history to study. Let's not ignore it. Let's not ignore those lessons and plunge headlong into repeating the mistakes of history, particularly those of Congress's action in 1986, because the only difference in so many of the provisions now before us from those in 1986 is that this would be on a far broader and grander scale, the problem having at least quadrupled since those mistakes of 1986.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to support the Judiciary Committee's superb product, the immigration reform, border security bill. I also wish to speak on an amendment Senator BROWNBACK and I intend to offer. I gather we are not offering amendments now, but this is an opportunity to speak on this amendment. This would address America's treatment of people who come here seeking asylum.

I am pleased to be working with Senator BROWNBACK. Over the years, my colleague from Kansas has done so much good work to protect the rights of refugees overseas and those who seek asylum on our shores for a host of reasons—that they might escape persecution for reasons of faith or politics. Senator BROWNBACK is a partner I am truly proud to be working with on this matter.

This amendment rises out of a report that was issued in February of last year by the U.S. Commission on Inter-

national Religious Freedom. It is a Commission established by law, by act of Congress. One of its duties is to issue annual and often more frequent reports. This report last February raised very serious concerns, objections about insufficient protections for asylum seekers arriving in this country. The Commission reported an unacceptable risk that genuine asylum seekers were being turned away because their fears and the real dangers of being returned to their home countries were not fully considered. The Commission also found that while asylum seekers are having their applications considered, they are often detained for months in maximum-security prisons without ever having had a chance before an immigration judge to request release on bond.

The Commission described conditions of detention that are completely unacceptable for a just nation to impose on people who are trying to escape war, oppression, religious persecution, even torture.

The amendment I am honored to be offering with Senator BROWNBACK will implement the Commission's most important recommendations. It calls for sensible reforms that will safeguard the Nation's security, improve the efficiency of our immigration detention system, and ensure that people fleeing persecution are treated in accordance with this Nation's most basic values. Remember, our purpose was stated in the original American document, the Declaration of Independence, which said that the Government was being formed to secure the rights to life, liberty, and the pursuit of happiness which were the endowment of our Creator, not just to every American but to every child of God. This Nation has been, over the decades, a land of refuge where people seek freedom and sanctuary from the deprivations they endured in the countries they were in. It is our attempt in this amendment to revitalize and make more credible and honest and true the asylum process that our country has to implement those ideals.

The amendment we are introducing would implement quality assurance procedures to ensure that Government employees carefully and accurately record the statements of people who say they have a fear of returning to their countries. Aliens not subject to mandatory detention would be entitled to a hearing—basic American due process—to determine whether they could be released. Providing bond hearings for low-risk aliens will also free up space for the cases that really ought to be incarcerated.

The amendment also promotes secure alternatives to detention of the type that the Department of Homeland Security, I am pleased to say, has already begun to implement. These new programs and procedures would also make our use of detention space more effective and efficient at an average cost of \$90 per person per day. But, of course,

that is the average. Often it is much higher. Detention beds have always been scarce.

Provisions in the legislation before us—the Judiciary Committee proposal—would vastly increase the number of aliens being held in detention. The underlying bill, which I strongly support, is a tough bill. It is so tough that it will inevitably increase the number of people who are not in legal status who will be held in detention. Our immigration system will need to prioritize available space because it is limited for aliens who pose a risk of flight, a threat to public safety, or are otherwise subject by law to mandatory detention.

For those who may remain detained, we are obliged as a just society to provide humane conditions at immigration facilities and jails used by the Department of Homeland Security.

The amendment we are introducing includes modest requirements to ensure decent conditions, consistent with our best American values, especially for asylum seekers, families with children, and other vulnerable populations. It requires improvements in areas such as access to medical care and limitations on the use of solitary confinement. It creates a more effective system within the Department of Homeland Security for seeing and inspecting these facilities.

The United States has been, is, and hopefully always will be a land of refuge for those seeking liberty. Many of our Nation's Founders, of course, fled here themselves to escape persecution for their political opinions, their religious beliefs, or even their ethnicity. Since that time, the United States has honored its history and its founding values by standing against persecution around the world, offering refuge to those who flee from oppression and welcoming them as contributors to American society.

That brings me now briefly to the larger immigration debate before us this week. I want to start with a bit of history. It was in March of 1790 that the first Congress of the United States began debating an immigration and naturalization act that would spell out how new arrivals could become citizens of our new Nation. The main requirement of the law finally approved was that an immigrant needed to live in the United States for 2 years and in the State in which he settled for 1 year to attain legal status. The Senator from Pennsylvania at the time, Mr. William Maclay, thought immigration would be such a benefit to the new Nation that he wanted those residency requirements removed. Senator Oliver Ellsworth of Connecticut, who I believe occupied the seat in the Senate that I am honored to occupy now in the succession, wanted the residency requirement kept in. Senator Maclay of Pennsylvania lost the debate and, frustrated, wrote in his diary afterward:

We Pennsylvanians act as if we believe that God made of one blood all families of the earth. But the Eastern people—

Parenthetically, he must have been referring to us nutmakers from Connecticut—

seem to think that he made none but New England folks.

I am sure Senator Ellsworth would have objected to that diary entry on behalf of himself and the people of Connecticut.

Today, this Senator from Connecticut is proud to stand with one of the two Senators from Pennsylvania today, the chairman of the Judiciary Committee, Senator SPECTER, and my fellow New Englander, ranking member of the Judiciary Committee, Senator LEAHY, in supporting the balanced, strong, practical, progressive immigration reforms that they have reported out of the Judiciary Committee.

I thank them and congratulate them on this balanced and bipartisan bill. I also give special tribute to Senators KENNEDY and MCCAIN for all of the work they did in introducing their initial legislation, which I was proud to be an original cosponsor of, much of which has now been embraced in the Judiciary Committee bill.

The proposed legislation before us, the underlying bill, would enhance our national security, promote our economic well-being, and create a fair and just path to citizenship for those who come here to work hard, pay their taxes, respect the law, and learn the English language.

We all agree we have to do more to secure our borders and control illegal immigration. What we are doing now simply doesn't work. This debate has to be about practical solutions, about fixing that problem. That means we will never fix our broken borders without fixing our broken immigration system, in my opinion.

People talk about this as a choice between better border security and immigration reform. That is a false choice. Not only do we need both, unless we have both we will not achieve either better border security or the practical immigration reform we need.

The bill reported out of the Judiciary Committee contains all of the essential security and enforcement provisions in the bill introduced by the majority leader. Both bills substantially increase Border Patrol and immigration enforcement personnel, detention beds, border fences, resources for border security systems and technologies. Both bills create new criminal penalties or make existing penalties more severe. Both bills establish new mandates and authorities for detaining and deporting aliens.

However, the Judiciary Committee bill omits a couple of parts of the majority leader's bill which ought to be omitted—those that criminalize the so-called Good Samaritan behavior toward undocumented immigrants and those who would criminalize the undocumented immigrants that we have. To me, that is foolish; it will not work. In fact, it will push the undocumented immigrants further into the shadows

because now their status is not only a violation of immigration law but it would be a crime. It would subject them to much greater exploitation by employers in this country and, in that sense, constitute increasingly difficult competition for Americans who want to work. But overall, this bill on border security contains all of the provisions, except those two, in the majority leader's proposal to toughen border security.

I think history should have told us something—that as important as tough border security measures are, they are not going to solve the problem of illegal immigration because people want so desperately to come here. I have said before, and I will say it again: With very few exceptions, the 11 million undocumented immigrants that we have in the country today came to America for the same reasons my grandparents did. But my grandparents arrived at Ellis Island and they were let in. Why did the undocumented come then and today? For freedom, for opportunity, for a better life for their children—to be Americans. Think about it: freedom, opportunity, and a better life for our children, which are American values and the American dream.

I think history has shown us that border security ought to be toughened, but it is not going to stop this flow. Let me cite this statistic for you to prove it. In recent times, from 1993 to 2004, the number of Border Patrol agents was tripled because of concerns about illegal immigration. Spending on border enforcement quadrupled. We have 10,835 Border Patrol agents and almost \$4 billion a year is spent—quadrupled on border enforcement. What happened to the number of undocumented immigrants in that time? It has doubled, from 4.5 million to 9.3 million. The reason, obviously, is that as long as we fail to provide legal channels to these people who desperately want to come to this country, they are going to find some way to come here illegally. They are going to come here to work.

You have all seen the Pew Charitable Trust studies that show that 95 percent of the working-age men who are undocumented immigrants have full-time, year-round jobs. In fact, they make up 5 percent of the American workforce overall.

So the reforms this bill adopts, creating a path to earn citizenship, not only is the right thing to do for our economy, but it is consistent with our values. It is also the most practical thing to do to deal with the problem of illegal immigration and border security and, as others have said, would free up resources at the border to stop the few coming over who come in for bad reasons. Particularly, I focus on potential terrorists and those who want to deal in controlled substances, drugs, in this country.

I will wrap up now because I see my friend and colleague and supporter of

this legislation, the Senator from Colorado, on the floor. I support it strongly. I think we have an extraordinary opportunity in this Senate to do something right this week, and to do something practical to fix the immigration crisis in our country. The immigration system is not working now and this bill gives you an opportunity to make it work. I know there has been discussion of possible compromises. I think the Judiciary Committee bill itself is a compromise, and a good strong one. Although the particular compromises that have been floated in the last 24 hours I don't accept, I am encouraged by them because they speak to momentum in favor of coming together across party lines, regional lines—every line you could imagine—as Americans, to do what is right and practical, and to assist our security and our economy.

I close with a wonderful quote I found from Thomas Jefferson going back to the initial days of immigration when he said:

Born in other countries, yet believing you could be happy in this, our laws acknowledge, as they should, your right to join us in society.

It is that spirit Jefferson articulated right at the beginning of the American experience that I think challenges us, informs, and elevates the proposal before us. We have a real opportunity to act on that ideal this week. I can't help but go back to what that wise Senator from Pennsylvania once said: God, in fact, made all the families of Earth of one blood.

I yield the floor and thank the Chair. The PRESIDING OFFICER (Mr. BURR). The Senator from Colorado.

Mr. SALAZAR. Mr. President, at the outset, I recognize my friend from Connecticut and agree with his comments and applaud his voice of moderation and centrist views. Those are the kinds of views that are bringing together the coalition that ultimately will allow us to succeed in passing comprehensive immigration reform in the Senate.

I want to speak about two issues today. One is about the law and order aspects of this bill, and the second is to refer to the nature of this debate we are seeing around the country on immigration.

The first point I want to make is that the Judiciary Committee bill which was produced with great work on the part of both Democrats and Republicans is, in fact, a law and order bill. For those people who have said it is not, they are wrong. This is a law and order bill because what it does is it takes the immigration issues we are facing in this country and addresses the strengthening of our borders. It also addresses the enforcement of our immigration laws within the interior of the United States. And finally, it applies penalties and registration to those who are here illegally in our country. So I believe the appropriate characterization we should be giving this legislation is that it is a law and order bill.

I want to review some of the aspects of border security which are very important. All of us know that today we are involved in this debate because we have broken borders, both to the South and to the North. It is not just the border between the United States and Mexico we are addressing today, but it also is the border with Canada. It is a system of broken borders we have in this country today.

What this legislation does is toughen border security in ways we have not done for the last 20 years. In this post-9/11 world, it seems to me there can be no higher imperative for our Nation's calling than to make sure we are doing everything we can to protect the Nation and protect our homeland. How can we do that if we have porous borders? That is what this legislation, the Judiciary Committee bill, before the Senate does. It addresses that issue of border security.

It adds 12,000 new Border Patrol agents. These officers will help double the number of law enforcement officials we have working on the borders to make sure we have secure borders.

It creates additional border fences in places that are vulnerable, where we see significant crossings in some of the major cities between the North and the South, but we know with these additional fences in vulnerable areas that we can increase border security.

It provides new criminal penalties for a whole range of activities, including the construction of tunnels which have been found in California and other places so that those who are involved in the construction of the tunnels will be subject to some very heavy criminal penalties.

It adds new checkpoints and points of entry so we can make sure the flow of people from one country to another is, in fact, being checked and that we can, in fact, make sure they are legal entrants into our country.

It expands the security system at all land borders as well as our airports.

One of the law and order legs of this stool is the fact that we will have much more strengthened border security if we are able to get this immigration reform package through the Senate.

The second aspect of this legislation, which I think stands tall for law and order, is the enforcement of our immigration laws. For far too long we have turned and looked the other way when our immigration laws have been broken.

This immigration bill produced by the Judiciary Committee will have us look in the right direction. It will have us stand tall and say: We are going to enforce our immigration laws.

It adds 5,000 new investigators within the interior of this country to make sure we are enforcing those immigration laws. That more than doubles the capacity of our interior enforcement with respect to immigration.

It establishes 20 new detention facilities so we can process those who are

caught here illegally for violation of our immigration laws.

It reimburses the States that now have the responsibility, in many cases, of apprehending and detaining aliens. This legislation will provide assistance to the States for that detention.

It requires a faster deportation process so that once there is someone who is caught illegally, they are subject to deportation in a prompt process.

It creates additional criminal penalties for gang members, for money laundering, and for those who are involved in human trafficking. We go after that lawlessness which has been created by the broken borders we have today.

It increases document fraud detention and, as the President said, for people who are here under the guest worker program, they will have a tamperproof card so we can make sure the fraudulent business that has been created is something we stop.

It expands authority to remove suspected terrorists from the United States.

And it is strong in pushing for the employer sanctions which are now part of the law and adds some additional employer sanctions.

It is a tough immigration law enforcement bill that addresses the issues within our interior.

The third point I want to make with respect to this bill, which is a law and order bill, has to do with the fact that we penalize those who have broken the law. Some people have decided they want to call this legislation amnesty legislation. There is nothing that could be further from the truth. It is a falsehood to say this legislation provides amnesty.

For those who have broken the law, we require them to pay a penalty. It is a substantial monetary fine. We in America who have worked in law enforcement know that many Americans, when they break the law, have to pay some kind of civil penalty. Here the penalty that is proposed for those illegally here today is \$1,000. In addition to paying the penalty, we require these people to register with the Government. As American citizens, none of us are required to register with the Government. We, in this bill, however, require the undocumented people who are in this country to register with the U.S. Government. So we have penalties and we have registration.

There is a whole host of other items included in this part of the legislation that address the 11 million undocumented workers in this country, including the requirement that they obtain a temporary work visa, that they provide an additional \$1,000 penalty, that they pass a background check and remain crime free while in the United States, that they pay all back taxes, that they learn English, that they learn American history and Government, that they pass a medical exam, and that they prove they are continuously employed with a temporary guest visa.

When we look at all these requirements, what we are doing is creating a system where for an 11-year-period these people are going to be punished and they are going to go through what I call a purgatory of time. It is an 11-year waiting period before they are eligible to obtain citizenship.

So this legislation ought to be correctly characterized as legislation that stands up for law and order, that addresses our broken borders and the lawlessness that comes from those broken borders.

I wish to briefly also address the tenor of the debate in the United States of America with respect to this issue of immigration reform, which we are debating in Washington, DC, and across our great Nation.

I think President Bush had it right when he talked about this issue a few days ago. He said:

When we conduct this debate, it must be done in a civil way. It must be done in a way that brings dignity to the process. It must be done in a way that doesn't pit one group of people against another. It must be done in a way that recognizes our history.

That is what President Bush said about the kind of debate we ought to be having in America today on immigration.

Yet the reality is that the kind of debate that is going on in some places in America is a debate that is very vitriolic and is very poisonous. It serves to divide our country as opposed to uniting our country.

I myself have been the subject of many of these attacks by telephone and e-mails as well, I am sure, as many of my colleagues who are working in the Senate today. Some of those attacks that have been launched against me have said I should simply go back to Mexico because I am a "spic." I resent that because my family founded a great part of this country, including the city of Santa Fe, NM, some 400 years ago. My family has supported this country through war and depression and a whole host of different ways.

Like all Americans, I believe we are equal and that we should be celebrating the diversity that makes us a strong country. So the kind of comments and the kind of poison that sometimes comes from these comments we are getting from around the country, including my own State of Colorado, is not helpful for us as we move forward to create comprehensive immigration reform.

I have received other kinds of comments such as from someone calling from my State:

I am not a racist against Mexicans. I want all minorities kicked out.

Another one:

Put all the illegal aliens on trains and deport them out of the country. They come in vans. Railcars would be a step up.

Those are just a few samples of the thousands of negative messages I have received in my office as we have engaged in this debate.

I go back to the President's statement that as we move forward in this

debate on this Senate floor and in this country, we should appeal to the better angels of people to ensure we can have a civil debate about a very important issue, that goes to the heart of America's national security, that addresses the economic realities that are addressed in the package that came out of the Judiciary Committee, and that also addresses the humanity involved in the immigration chaos in which we find ourselves.

Mr. President, I yield the floor, and 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. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### SECURING AMERICA'S BORDERS ACT—Continued

Mr. DURBIN. Mr. President, I have been advised that amendments are not being accepted at the moment, so I will withhold it until the appropriate time. I ask unanimous consent to speak to the amendment so that my colleagues will be apprised of its contents.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, last December, Senator BROWNBACK of Kansas and I went to Africa and went to a part of Africa I had never visited before. It is a part most Americans are not familiar with. It is called the Democratic Republic of Congo. We have known of it throughout history as the Congo. It is a huge expanse of country, with its capital of Kinshasa in the western part of the Democratic Republic of Congo, and then in the far eastern regions is a section of the world that has been hit hard time and again by devastating loss.

In the area around Goma, in the eastern part of Congo, a few years ago they were hit by a volcano that left 2½ feet of lava in this poor town, destroying most of the buildings that were there. They have been victims of disease, of all of the trappings of poverty, which we are aware of in the continent of Africa, while at the same time there has been an ongoing war, which has killed so many innocent people. It is amazing, the resilience and the courage of the people in east Congo.

Senator BROWNBACK and I went there because we had heard that, with little fanfare in the West, 1,000 people a day

were dying in this part of the world from all of the different events I have just noted. We went to a hospital in Goma, which is known as the Docs' Hospital, run by a Protestant church, in an effort to provide some basic health care in the Congo. We met with some amazing doctors who work for the Government of the Congo.

Some of you who are fans of the "Oprah" show from Chicago may know she has focused on a problem they are addressing which is known as obstetric fistula. This is a terrible injury a woman sustains when she is either sexually assaulted or at too young an age goes through a prolonged labor before delivering a baby and has problems that can be very devastating to her personally. So many of the women in this region of the world come to this hospital in Goma in the hopes of a surgery. There is a very modern surgical suite there financed by the United Nations but very few doctors. They have one surgeon.

I asked the doctor who was there: How many doctors do you have in this region of the world for the people who live here?

He said: We have 1 doctor for each 165,000 people. One doctor.

I said: How many surgeons?

He said: Oh, that is hard.

He did a quick calculation, and he said: I believe we have 1 surgeon for every 3 million people who live here. There is 1 surgeon for every 3 million people.

Imagine if we only had one surgeon for the city of Chicago. That is comparable in terms of numbers.

I talked to him for a while about this challenge and the fact that there are not nurses and doctors and surgeons necessary to treat these poor people. He talked to me about some of the challenges they face, not just the matter of being paid by the Government, if you are lucky—no more than \$600 a month—but also the lure of the West on these doctors.

We need doctors desperately in the United States. I represent a State with rural communities that are anxious to bring in doctors. We are not really that picky when it comes to their national origin. If they are competent, well-trained doctors, they will take them from anywhere in many of the small towns I represent. My State is not unlike many other States. But what we find here is this situation where our immigration laws are written in a way to attract doctors from those parts of the world most in need of doctors at the present time. So as Africa and Asia and other parts of the world deal with the global AIDS epidemic and terrible medical problems such as tuberculosis and malaria, the doctors who could successfully treat the people living there are lured from those low-paying jobs in desperate circumstances, with limited medical facilities, to the very best opportunities in the United States.

I thought about that as I flew back from Africa: What is the fair thing to