

SCHEDULE

Mr. ISAKSON. Mr. President, today we resume consideration of the border security bill. After an hour of debate equally divided and the leaders' remarks, we will proceed to a cloture vote on the motion to commit, which is the Hagel-Martinez language. This will occur at approximately 9:45 this morning. This will be the first of several votes we will have today. If cloture is not invoked, we will immediately proceed to the second cloture vote on the underlying bill. If cloture is not invoked on the underlying bill, we will turn to the cloture motions that were filed on the defense nominations. We confirmed two nominations last night, and we hope we will be able to reach agreement on the remaining few. Senators are alerted that we will have a busy morning and should stay close to the Chamber. I thank my colleagues for their cooperation before we recess for the Easter break.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Mr. President, what is the matter before the Senate at this time?

The ACTING PRESIDENT pro tempore. Once the leadership time is reserved, the Senate will resume pending business, which is S. 2454, and there will be 1 hour of debate equally divided. Does the leader wish to proceed on his leadership time?

Mr. REID. No. I wish to proceed under the time allotted, 1 hour equally divided.

RESERVATION OF LEADER TIME

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

SECURING AMERICA'S BORDERS ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2454, which the clerk will report.

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.

Santorum/Mikulski amendment No. 3214 (to amendment No. 3192), to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

Nelson (FL) amendment No. 3220 (to amendment No. 3192), to use surveillance technology to protect the borders of the United States.

Sessions amendment No. 3420 (to the language proposed to be stricken by amendment No. 3192), of a perfecting nature.

Nelson (NE) amendment No. 3421 (to amendment No. 3420), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour for debate equally divided between the managers or their designees.

The minority leader is recognized.

Mr. REID. Mr. President, for my colleagues who are in the Chamber and want to speak under the half hour that is allotted to us, I will leave time for them. I know Senator LEAHY has a matter elsewhere, and I will speak and give him the time next.

The committee bill that was reported from the Judiciary Committee on a bipartisan vote is a bill that virtually all Democrats support. We now are past that piece of legislation and on what we call the Martinez substitute. Virtually all Democrats support the Martinez substitute. I thought yesterday morning we were going today to be able to pass this important legislation. As I was walking from the caucus we had yesterday, Senator TOM CARPER of Delaware said: I have to leave early; I sure hope we can get something worked out on this. That is how the Senate felt yesterday. I sure hoped we could work something out. But as the day went on, things didn't work out as well as we had anticipated.

In the Senate, there are different ways of conducting filibusters. One is to have people stand and talk for long periods of time. The other is the ability Senators have, if they wish, to filibuster by virtue of amendment.

I made a proposal to the distinguished majority leader that we would have the Judiciary Committee do the conferees and have a limited number of amendments and move on. Last night, Senator FRIST said on the floor that he would have 20 amendments and, as we know from conversations we had on the floor, that was just the beginning. There would be more amendments. These amendments, of course, would be offered by those who oppose the Martinez legislation.

The majority leader said last night—and I was surprised—that he thought he would vote no on cloture on the amendment that he offered. Certainly,

there could be an argument made, even though I don't think it is a good one, that we are going to vote against the substitute amendment, the Specter legislation, as a result of the fact that the minority filed a cloture motion. That is not the case here. The cloture motion that is pending now was filed by the majority leader, he says, because no amendments have been offered. Why would we reward those who don't like the bill? Why would we reward those who want to kill this bill by amendments?

I would hope that night has brought change, that night has turned to day, and that there will be those on a bipartisan basis who will support this invocation of cloture. That would be the right thing to do. To do so takes courage, I know, but it would be the right thing to do.

Virtually all Democrats support the Martinez legislation. This bill is supported by wide-ranging groups: the Catholic bishops, the Chamber of Commerce, civil rights groups, human rights groups, La Raza—on and on with groups that support this legislation. This legislation is good legislation, national security, real security, border security. It gives guest workers the opportunity to come to America with dignity. Twelve million people would no longer have to live in the shadows.

Franklin Roosevelt said it a lot better than I could in 1938, when he said: My fellow immigrants, remember always that all of us, and you and I especially, are descended from immigrants.

General George Washington, in a letter in 1783, said:

The bosom of America is open to receive not only the opulent and respectable stranger but the oppressed and persecuted of all nations and religions whom we shall welcome to a participation of all our rights and privileges if, by decent and proprietary conduct, they appear to merit the enjoyment.

That is what this is all about—Franklin Roosevelt, George Washington. Let's vote for cloture and move on, have a day of celebration.

I yield 7 minutes to the Senator from Vermont, the distinguished ranking member of this committee.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Democratic leader. I thank him for his statement. I also wish to commend him for the work he has done, both he and the distinguished deputy leader, in trying to bring us to this point. I know how hard the distinguished senior Senator from Pennsylvania, the chairman of the committee, has worked to pass a bill. I have been proud to work with him.

I was encouraged this week that the majority leader and other Senate Republicans moved in our direction—a good direction—by recognizing that we need a solution to the problems posed by having millions of undocumented

immigrants inside our borders. Many of us believe that immigration reform, to have any chance to succeed, needs to be comprehensive, with strong enforcement of border security matched with fair and effective steps to bring millions of hard-working people out of the shadows and provide them a path to citizenship and a full measure of America's promise.

The bill now being proposed by the majority leader is not as comprehensive or as good as that produced by the Judiciary Committee in that it leaves many among us out of the equation and may have the perverse effect of driving millions further underground. I thought the bipartisan Judiciary Committee bill represented a better balance of strong enforcement of our borders with fair reforms that honored human dignity and American values. I will continue to work for a bill and a law that is fair to all. We all agree that it will be tough on security, but it also has to acknowledge our American values and, above all, human dignity.

The House-passed bill and the original Frist bill were overly punitive. But wisely, in our deliberations in the Judiciary Committee and in the alternative now being proposed, we have rejected the controversial provisions that would have exposed those who provide humanitarian relief, medical care, shelter, counseling, and other basic services to the undocumented to possible prosecution under felony alien smuggling provisions. That was a cruel, cruel amendment, and I am glad it is gone. You can't tell those who feed the hungry, clothe the naked, those who shelter people, that they are going to become felons for doing so.

We rejected the proposal to criminalize mere presence in an undocumented status in the United States, which would trap people in a permanent underclass. Those provisions understandably sparked nationwide protests and are being viewed as anti-Hispanic and anti-immigrant. They are inconsistent with American values. As one who is only one generation from immigrant grandparents, I am glad we removed those.

I fear that the arbitrary categorization of people in the current proposal is not fair to all. I would not want us to set bureaucratic hurdles and arbitrary timeframes that will serve negatively to continue an underclass in American and drive people underground. The purpose of the path to citizenship is to bring people into the sunshine of American life and into law-abiding status so that they abide by all our laws. That will allow our enforcement resources to be focused on real security concerns. Sadly, those across the aisle have refused to proceed on the bipartisan Committee bill so this alternative proposal is an effort to garner additional support from the Majority Leader and others but it comes at some expense. He opposed the Specter-Leahy-Hagel amendment but now supports the Frist amendment, which he graciously called

the Hagel-Martinez amendment. The Majority Leader called it a "negotiated compromise."

I was not a party to those negotiations. Given the successful Republican opposition and obstruction of the bipartisan Committee bill, I have now joined in efforts to improve the Frist amendment and the Hagel-Martinez amendment. I am working with Senator OBAMA and Senator DURBIN to improve that measure.

I do not in any way disparage the efforts of my friends from Nebraska and Florida. I appreciate their efforts. I know that they had indicated their support for the bipartisan Committee bill. In fact, a majority of Senators supported the bipartisan Committee bill. Rather, they are trying to point a way toward the best possible legislation that can achieve not just a majority but a supermajority of support within the current Senate.

I will support the majority leader's motion for cloture on the motion to commit. That will bring the Frist amendment before the Senate, and I will continue to work for bipartisan, comprehensive, smart, tough, and fair immigration reform.

I was surprised to hear the Majority Leader say last night that he was considering opposing his own motion. We should have invoked cloture yesterday on the bipartisan Committee bill. I hope that we do so today on the Frist motion on the Frist amendment.

I appreciate that for those undocumented immigrants who can prove they have been in the U.S. for more than five years, the path to citizenship that we voted out of Committee would still govern. To earn status and eventual citizenship, the immigrant must undergo background checks, work, pay taxes, pay fines, and learn English. That is not an amnesty program. The Republican Leader has now reversed his position and supports those provisions. That is progress. In addition, the bill we will be considering continues to contain the Ag Jobs bill and the DREAM Act, and the amendments the Senate voted to add to the bipartisan Committee bill, including the Bingaman enforcement amendment and the Alexander citizenship amendment.

Those undocumented immigrants who have been here for two to five years would, under the provisions of the new bill, have to leave the U.S. and seek approval to return and to work under a temporary status for four years. They could eventually seek legal permanent status, probably after a total of 8 to 10 years, and only after those who have "seniority" to them by being in the group that has been in the U.S. for more than five years. Thus, this new grouping of people is treated under a combination of rules drawn from a bill introduced by the senior Senator from Nebraska and the Kyl-Cornyn bill. Perhaps those who negotiated this scheme will garner the support of Senator KYL and Senator CORNYN and others with whom they have been working.

At least, this new categorization preserves a potential pathway to regularized status. The test will be whether it is made so onerous by its implementation that those in this designated category will come forward at all. We will all need to work to make that a reality so that they know that we value them, their families and their hard work.

The most recent arrivals, those immigrants after January 1, 2004, are offered no special treatment. I was concerned about similar aspects of the Committee bill. There are no incentives to come forward. They are merely told to leave the U.S. and apply for one of the limited visas that will be authorized. They could try to come back as legal temporary workers.

If we do not, I worry that the Majority Leader's announcement of a "breakthrough" will have the unintended effect of having created a false impression and false hopes. I commend him for changing his position over the course of the last week. I am delighted that he and others who had been opposing comprehensive immigration reform with a path to citizenship are joining us in the effort. But an announcement is not the enactment of a new law. I urge people, especially the undocumented, to remember that. We are still a long way from enacting fair, comprehensive and humane immigration reform. None has yet passed the Senate. And certainly fair immigration reform has not passed the House. The cruelest joke of all would be to raise expectations and false hopes by premature talk of a solution when none has yet been achieved, especially if it remains elusive and that promise is not fulfilled.

So while I am glad that some Republicans have dropped their opposition to establishing a path to citizenship for many, I worry that many others may be left behind. I also urge everyone concerned about the lives of those who are undocumented to remain cautious and focused on enacting a law, and on what it will provide in its final form. It would be wrong to just pass a bill that ends up serving as a false promise to those who yearn to be part of the promise of a better life that is America.

Our work on immigration reform is a defining moment in our history. We are writing laws that will determine people's lives and what it is that America stands for. I continue to urge the Senate to rise to the occasion and act as the conscience of the Nation. I will continue to work on immigration reform so that the laws we enact will be in keeping with the best the Senate can offer the Nation and the best that America can offer to immigrants. I hope that our work will be something that would make my immigrant grandparents proud, and a product that will make our children and grandchildren proud.

There will be more rallies around the country next week by thousands of people in cities across the United

States. They know what we Senators now know—our immigration system is broken and we need to fix it. We need to fix it with effective, comprehensive reforms. The question is still open whether the Senate is committed to making real immigration reform.

I have said from the outset that Democratic Senators could not pass a good immigration bill on our own. With fewer than 50 Democratic Senators, we will need the support of Republican Senators if the Senate is to make progress on this important matter.

The majority leader had often spoken of allowing two weeks for Senate debate of this important matter. We now approach the end of that work period. I had hoped we would be farther along. When the Senate did not complete work on the lobbying reform bill on schedule—because Republicans refused to vote on the port security amendment—it cut into time for this immigration debate. When the majority leader decided to begin the debate with a day of discussion of the Frist bill, we lost more time. We were left then with one week, not two. We have lost time that could have been spent debating and adopting amendments when some Republicans withheld consent from utilizing our usual procedures over the last days. We have endured the false and partisan charges of obstruction came from the other side. We have experienced seemingly endless quorum calls without debate or action.

I thank the Democratic leader for his efforts. He has been working for a comprehensive, realistic and fair immigration bill. We still are. I regret that over the last several days some tried to make this into a partisan fight. I hope that we are now able to draw back together in a bipartisan effort to pass a good bill that becomes a good law.

Mr. REID. Mr. President, as soon as the distinguished chairman finishes his remarks, I will yield 8 minutes to Senator DURBIN, and following his statement, 8 minutes to the ranking member, Senator KENNEDY. If a Republican comes in between, that is fine with us. So 8 minutes to both Senators DURBIN and KENNEDY.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Before the distinguished ranking member, Senator LEAHY, leaves the floor, I would like his attention for a minute. He has to leave because he has other commitments. First, I congratulate him on the work he has done on this bill. I congratulate him on the work he has done in his 31 years in the Senate generally, but especially in the last 15 months, when he and I have worked together on the Judiciary Committee. I wanted to say this while he was still on the floor.

As chairman, I am committed to make this immigration bill the No. 1 priority of the Judiciary Committee. When we are unable to complete action on this bill today, as it now appears, I want everyone to know when we come

back after the recess, this is our No. 1 priority. We succeeded in the Judiciary Committee, where everybody thought we would fail. Senator KENNEDY was on the committee and Senator DURBIN was on the committee. I mention them because they are in the Chamber. We were given an impossible deadline, but we met it. We met it by having a marathon markup on a Monday, which is unheard of around here—especially a Monday after a recess. We did it by voting 57 times. We had in that marathon markup 14 rollcall votes and 43 voice votes.

We had a lot of tough votes, but we finished the bill and we reported it to the Senate. We are going to go back to work on this bill because if the full Senate cannot find the answer, then the Judiciary Committee is going to find the answer. We are going to return to the floor of the Senate a bill which I believe the Senate will find acceptable, and we will set forth procedures that I think the full Senate will find acceptable. That is the commitment.

Mr. LEAHY. If the Senator will yield a moment on that, I have commended the Senator before for his indefatigable leadership. He worked extraordinarily hard. I commit to the senior Senator from Pennsylvania that on the Democratic side we will continue to work with him on any amount of time he needs in committee. Our committee demonstrated that we can produce a bipartisan bill. We will continue to work with him in any way necessary to finish this. I agree with him that it is important. On this of the aisle, we will continue that work.

Mr. SPECTER. I thank the distinguished ranking member.

Addressing the situation generally as to what we face now on the immigration bill, I think it is most unfortunate, really unacceptable, that the compromise arrangement has fallen through. I believe this legislation is vital for America's interests, vital for our national security interests, vital for our economic interests, and vital for our humanitarian interests.

The agreement has been decimated, has fallen through, because of partisan politics. Regrettably, partisan politics plays too large a role on both sides of the aisle, with Democrats and Republicans, and there is more concern about political advantage in this situation—as it is in many situations—than there is on public policy and the public welfare. The procedures for not allowing tough votes, regrettably—that practice has been undertaken by both Democrats and Republicans. I have been in the Senate for 25 years now, and this has been a repeated practice which I have noted at least from the past decade and a half. It has occurred even beyond that period of time. Both the Democratic and Republican leaders—minority leaders, but mostly leaders—have been in the position to do what is called “fill the tree.”

Senate procedures are arcane and complicated. I would not begin to try

to explain them now. But the conclusion is that you can use the rules to avoid having votes come up, if you want to do it. It is called filling the tree. Republicans on this immigration bill have been stymied from offering amendments. But at the same time, on other bills, on prior days, Democrats had been stymied from offering amendments. So it is a matter of bipartisan blame.

But what is happening is that the public interests are being damaged. A very similar situation occurred last year on the filibusters. The Democrats filibustered President Bush's judicial nominees in retaliation for tactics employed by Republicans to stymie President Clinton's nominees from having votes, from coming out of committee or, once out of committee, from having votes on the Senate floor. That impasse, that confrontation on judges, almost threatened to destroy a very vital part of the institution of the Senate, and that is the right of unlimited debate. Where the filibusters were used, in my view, inappropriately, consideration was given to changing the rules of the Senate to change the number of Senators necessary to cut off debate from 60, which is the current rule, to 51. Fortunately, we were able to avoid that confrontation.

Now as I said to the distinguished minority leader in a private conversation, that reason is going to have to prevail, and Democrats and Republicans in the Senate are going to have to come together and stop this reprehensible practice of denying votes. We are sent here to vote. When a bill comes to the floor, as we reported the immigration bill out of committee, other Members are entitled to offer amendments to see if they can persuade 51 Senators to vote their way or, if cloture is necessary, to cut off debate, to see if they can get 60 Senators to vote their way, and then to change a committee bill.

The committee doesn't speak for the Senate. The committee makes a recommendation. The Senate must speak for itself, in accordance with our procedures, with 51 votes to pass amendments or a bill, or 60 votes if it involves cutting off debate. But it is totally an unacceptable practice to stymie a bill by refusing to give votes. That is what has happened here.

In the negotiations between Senator FRIST and Senator REID yesterday, Senator REID said the maximum number of votes that would be permitted was three. I don't think he was concrete on three, but he wasn't going to go much beyond three—perhaps, as a suggestion was made, there might be a compromise for six. But on the Republican side, Senators wanted to offer a minimum of 20 amendments. An arrangement could not be agreed upon and, obviously, Senator FRIST could not accept three votes, or even six votes. The position was taken to avoid having Democratic Senators take tough votes. In committee, Republicans and Democrats took tough

votes—57 votes, with 14 rollcall votes, during a marathon session on that Monday on the markup.

It is an open secret that there are many people who do not want to have an immigration bill. I think it is a fair comment—although subject to being refuted—that there is advantage for the Democrats to have only the bill of the House of Representatives before the public, which provides only for border security, and which doesn't take care of the 11 million undocumented aliens. That bill has provoked massive rallies—500,000 people in Los Angeles, 20,000 people reportedly in Phoenix, and more rallies are coming. The view is—and I think it is accurate—that it is very harmful to the Republican Party to have the Hispanics in America angry with the Republican position, as taken by the House of Representatives, to have only border security and not have a program to accommodate the 11 million undocumented aliens.

The Senate bill, of course, directs our attention to that bill, and the Judiciary Committee bill has a very rational, humanitarian, sensible approach—not amnesty, because there is not forgiveness, because these undocumented aliens have to pay a fine, have to pay back taxes, have to learn English, have to work for 6 years; they have to undertake many conditions in order to be on the citizenship track. With refinements put in by the Judiciary Committee, they are at the end of the line.

Then, in order to achieve an accommodation, changes were made on suggestions by Senator HAGEL and Senator MARTINEZ to modify that proposal, treating those who have been in the country more than 5 years differently from those who have been here less than 5 years. Frankly, I preferred the Judiciary Committee bill; I preferred our bill without amendments. But people have a right to make amendments. I was prepared to accept the compromise that brought into play the ideas of Senators HAGEL and MARTINEZ so we would have a bill. The issue that a legislator faces is not whether it is a bill he would prefer but whether the bill is better than the current system. In my mind, there is no doubt that had we moved forward with the compromise that was struck yesterday, it would be a vast improvement over the current system. It would secure the borders. It would provide a rational way to handle the 11 million undocumented aliens. It would provide a rational way to handle the guest worker situation. And it should have gone forward. It has not gone forward because there is political advantage for the Democrats not to have an immigration bill, not to take tough votes, to have the opprobrium of the House bill, which is objected to by the Hispanic population, illustrated by the massive rallies, to have that as the Republican position. Contrasted with what would have happened had the Senate produced a bill which was bipartisan, which was sponsored by Republicans,

then the opprobrium, the edge would have been taken from the House bill.

So we are going to leave here, by all indications, without having completed action on the immigration bill or without having come to a point where we would have a definitive list of amendments, to have an agreement that on our return from the recess we could, in short order, finish the bill. That is totally unacceptable.

Again, I emphasize that the partisanship exists on both sides of the aisle. When I say the Democrats are wrong on this bill to avoid hard votes, I say simultaneously that we Republicans have been wrong in the past to deny Democrats votes on amendments which they wanted to offer. The distinction has been made by some of my colleagues—and I think it is accurate—that they have been denied votes in most situations on matters where they are nongermane to the bill.

Senator REID mentioned stem cells, and I agree, we ought to resolve the stem cell issue. I don't know if there was ever a stem cell vote offered in a way which would be nongermane, but we ought not take up an issue such as stem cells on the Transportation bill, for example.

There have been amendments offered by Democrats which were germane. They wanted to offer amendments which were germane, which have been denied.

It is my hope that we can come together. I have already talked with the distinguished Democratic leader this morning saying that we ought to come to some agreement that neither side will use the technicalities at our disposal to deny the other side votes. The Democratic leader has been very lavish in praise in supporting the work Senator LEAHY and I have done. That spirit of accommodation ought to be carried forward to the floor of the Senate when we consider matters such as this immigration bill. For the future, it is my hope that we will come together and stop this practice of denying votes to the other side.

Again, my commitment is to make this immigration bill the first priority item for the Judiciary Committee when we return after the Easter recess because America needs immigration legislation reform.

I inquire as to how much time our side has remaining?

The ACTING PRESIDENT pro tempore. There is 14 minutes remaining.

Mr. SPECTER. I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 8 minutes.

Mr. DURBIN. Mr. President, I come to the Senate floor weary—wary after 2 weeks of working on this historic legislation, both in the Senate Judiciary Committee and in the back rooms of the Senate Chamber and on the Senate floor; weary after a long, sleepless night thinking about how we might have done this better; weary with the

knowledge that we come here this morning, having missed a historic opportunity. This opportunity is slipping through our hands like grains of sand.

It is hard to imagine that we have reached this point when one looks at the people of goodwill who have tried to bring this bill to passage and completion.

I first salute the chairman of the Senate Judiciary Committee. It took extraordinary courage for him to vote in favor of the bipartisan bill which came to the floor. He stuck with it. I thought he was fair in the way he handled his committee, and I thought we produced a good work product which I was proud to support.

I salute the Senator from Massachusetts who, for decades, has made this cause, immigration reform, his passion. He has never given up. In the weeks we have spent up to this moment, his strength has been remarkable.

On the Republican side, Senator MCCAIN, Senator GRAHAM, Senator BROWNBACK, Senator DEWINE, Senator MARTINEZ, Senator HAGEL, and so many others were bound and determined to defy the critics who said we couldn't come to a bipartisan agreement.

Yesterday, for one brief moment, one shining moment, we believed we had a bipartisan agreement. Senator MARTINEZ and Senator HAGEL worked all night and put together an amendment, came to us on the Democratic side and said: Can you accept these modifications, and then can we move forward together? We agreed. We stood together.

I think the most dangerous place in America for a politician is the front row of the St. Patrick's Day parade in the city of Chicago. I have been there. I have been pushed and shoved and elbowed aside by men and women who follow in the grand Chicago tradition of Dick Butkus and Brian Urlacher. But there is a second place I recall as the most dangerous for politicians in America, and it was in the press gallery yesterday as Senators were preening and priming themselves to appear before the cameras and announce we have an agreement, we have a bill, pushing one another aside to get to the microphone so they could announce the success of our efforts.

I was there. I stood back and thought: There is plenty of time for congratulations. Let's wait until we have done something before we congratulate ourselves.

Sadly, 24 hours have passed. The world has turned, and things have changed.

I stand here today uncertain about where the Republican Party of the United States of America stands on the issue of immigration. I know where the House Republicans stand. They are very clear. It is a punitive, mean-spirited approach to immigration, which most Republicans in the Senate have rejected. The idea of charging volunteers, nurses, and people of faith who

help the poorest among us with a felony if one of those poor people happens to be an undocumented immigrant is the ultimate. That is the position of the House Republicans.

For the life of me, I don't know what the position of the Senate Republicans is on immigration. Their leader stood before us yesterday and accepted this bipartisan compromise, came before the cameras and said this was his bill, too. He filed a motion so that we could limit debate and move to final passage of this bill and announced last night that he would vote against his own motion.

In the history of the United States, there was a political party known as the mugwumps. They were called mugwumps because people said they had their mug on one side of the face and their wump on the other. That is what I see when I look at the Senate Republican caucus. Where are they on immigration?

I listened to Senator SESSIONS who has been open. He opposes immigration reform. He has 15 amendments. He wants to stop this process, slow it down. I watch as the leadership of the Senate Republican team files before the television cameras rejecting the very compromise their leader has embraced. Where are they? Who are they? And do they believe that the people across America, carefully following this debate because their faith, their future, and their family is at stake, are going to ignore the obvious, that in just a few moments, a vote will be taken on the floor of the Senate and Senate Republicans will march down and vote against the Senate Republican leader's motion?

When it is all said and done, the House Republicans are very clear. They are opposed to immigration reform. They have taken the most punitive stand. But where do the Senate Republicans stand? We won't be able to tell after this vote. But I will tell you this: The people who are following this debate will know that the Senate Republicans did not stand for comprehensive immigration reform. There are heroes among them. I have listed some of them, and I will stand by them and defend them to any group because I do believe they are sincerely committed to immigration reform. But when it comes to the majority of that caucus, when it comes to the leadership on that side, it is impossible to divine what their position is on this critical issue.

The saddest part of it is this: Across America, millions of people are living in fear, living in the shadows, people who have come to me in tears because their children's future is at stake, people who have come to me crying because their mothers came to this country from Poland years ago and never filed the right papers and are technically illegal. These people wanted us to do something, to achieve something in the Senate, and we have failed. We have failed because the Senate Repub-

lican leadership will not say to its own membership: There is a limit as to how far you can take us with these debilitating amendments.

Last night, the Senate Republican leader said all we want is about 20 or so amendments. With 20 amendments and second-degree amendments, we would eat up a week of time just on the Republican amendments, and there is no promise it would end there.

This was clearly a moment for the Senate Republican leader to step forward, not just at the microphone, but in his own caucus and say that we as a party are going to be counted as to whether we are really for this immigration reform.

I think it is time, Mr. President, that we acknowledge the obvious. It is time for us as a nation to have comprehensive immigration reform with enforcement—enforcement on our borders and enforcement in places of employment—but also to give a legal pathway to those good people who want to be our fellow citizens, who want to share this dream in America.

This morning we will not achieve it. And when the Senate Judiciary Committee chairman tells us we will return to this bill when we get back from the Easter recess, I don't have much hope that we will either have the time or the will to overcome what we have seen on the floor in the last several days.

I will work, put every ounce of my strength into making it a success. But as I stand here today, I think we have allowed this historic opportunity to escape us.

The ACTING PRESIDENT pro tempore. The Senator from Illinois has consumed 8 minutes. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is an interesting time on the floor of the Senate. We just heard the most fascinating speech about fingerprinting I have heard in decades—fingerprinting from the other side that is trying to suggest they are blameless, absolutely without blame, because the Senate is stalled in its attempt to gain a comprehensive immigration reform bill.

This is one Republican Senator who, several years ago, stepped across the aisle and stood with Senator TED KENNEDY in a clear recognition that something had to be done to deal with illegal foreign nationals in our country in a just, reasonable, humane, and legal way.

To suggest that the Democratic caucus has not had conflict behind closed doors over the last week is, in fact, a false statement because today we see this veneered front. To suggest that they are without blame because the Senate for 1 week has stood still doing nothing because they would not allow amendments on the comprehensive bill? May I say shame on you? I am saying that because the veneer doesn't fit. It is paper thin like the front page of the legislation before us.

The Senate Judiciary Committee worked its will, and it brought forth a

bill to this floor. Is it perfect? No. Is it the best they could do? Absolutely, yes. Did they work hard? You darn bet they did. Does it have all the components in it that we would want for tough border security and control to contain our borders, to secure them? It must have that, and it does have that. Because I don't care how good the legislation is that I think I have created with a coalition of over 500 groups of Hispanics and labor and agriculture over the last 5 years, as good as my legislation is, known as AgJOBS, it is not going to work if the border isn't secure. You have to stop the flow of illegals, and we do that. But we don't do it by pointing a finger at all of them and saying: You are all felons. We cause them to earn, in the course of years of hard work, the right to continue to work and, if they choose—if they choose—to become an American citizen by another lengthy process. Is that unfair? Is that irresponsible? It is absolutely not. Was that created by Republicans? Yes, it was. By Democrats? Absolutely.

So let me suggest that when the assistant minority leader stands up and says: No, not me, not us, not ours, that simply is not true. Yes, the Republican side is conflicted. Yes, we have differences. Yes, there were amendments. But those amendments, as would be the normal process on the floor of the Senate after a bill came out of committee, have been denied by that paper-thin veneer you have just heard this morning from the other side.

Immigration has been and will always be a bipartisan issue. It must be. It should be. Is it to our advantage to make it partisan? Absolutely not. But some are now playing that game, and that in itself is most dangerous.

I will continue to work with all of my colleagues to resolve this issue. It is fundamentally important to America that we do.

Yesterday, on the floor of the Senate, I said: America, turn and look at yourself in your mirror, and you will find a multiethnic, a multinational image. We as Americans are the phenomenal mosaic of the world, and we are because we have historically had an orderly, responsible immigration policy that didn't point fingers and didn't play partisan politics and worked its will. I must tell you there have been and there always will be those who got here yesterday who don't want those coming tomorrow. Yet America's great energy is simply that we continue to bring people from around the world who become Americans in search of the great American dream, who live under our constitutional structure, who embody it because of the new energy as a free citizen they employ. It is in itself the only Nation in the world that has been able to do that.

I say, when I am out in Idaho and around the country, is it possible for you to become Japanese if you are not born one? Absolutely not. Or to become an Italian if you are not born one? You

can't become that. But you can become an American. Why? Because this great country was never one nationality, never one religion; it was the place the world came to find freedom and to be able to use its individual energies underneath the framework of a constitutional system that established laws.

What are we attempting to do here today? We are attempting to clarify a law, to strengthen a law, to make sure that the wonderful process we have seen throughout our history continues to be orderly and just and responsible.

Who is to blame here? The U.S. Senate, the Congress of the United States, when, in 1986, they passed a law about immigration, but they didn't recognize in doing so that they were creating a natural magnet and they didn't control the border, dominantly to our south; and then again in 1996 we did the same thing and we didn't control the border. This great economic engine of ours became the magnet for the downtrodden to come to work, to earn a little money, to improve themselves. We took advantage of that, hopefully in a positive way, hopefully in a humane way—not always, but we did take advantage of it. Then, after 9/11, we awakened to this phenomenal reality that there were millions in our country who were illegal, and some of them were bad guys bent to do us harm. Now we are playing political games on the floor as to who is on first and who is on second on this issue. Shame on us. Because the veneer on the other side is just that: paper thin.

This has been and will remain a bipartisan issue, it is an American issue, and it is responsible for this Senate to deal with it. It is right and proper under our rules that if someone has an amendment in disagreement to what I have done—and now I see my colleague from California, Senator FEINSTEIN, who worked with me and introduced into the committee mark a very valuable component as it relates to American agriculture. We didn't play the partisan game. We came together because she has in her State and in the great San Joaquin Valley, which is, without dispute, the greatest agricultural valley in the world, a true need to stabilize and build a legal workforce; and in Idaho, at the peak of our labor season, I have anywhere from 25,000 to 30,000 illegals. She has more illegals in one county in California working than I have in my entire State. Still, Senator FEINSTEIN and I understand one thing very appropriately: that what we do must be legal, that American agriculture cannot build its strength on an illegal foundation, and it knows it, too. That is why we have worked with them to solve this problem.

We think that within the committee bill, there is a solution. There are some on my side and on the other side who probably disagree with that, and there are amendments over here that would change what Senator FEINSTEIN and I have proposed, and that is within the

committee mark. I think I can defeat those amendments. I am certainly willing to debate them. It would be appropriate under the rules of the Senate that some of those amendments would be offered, but that has been denied. I am disappointed in that.

I hope that over the course of the next 2 weeks, calm heads will prevail. I hope the idea of finger-pointing goes away. We all have a responsibility here, not only to our home States but to our Nation, to develop a comprehensive immigration reform policy to secure our borders for the sake of our Nation's security. That is what this Senate has attempted to do, and that is what we are now being denied. I don't believe that is the appropriate position for any of us.

Immigration reform has been—let me repeat—and will always be and must be a comprehensive approach, a bipartisan issue where we work together to resolve what is in itself a major national issue of the day. Our citizens have asked that we do this. While they are divided by our effort in every way, we attempt to bring together that division in what we hope is a comprehensive, responsible, legal approach that first embodies national security and secondly, and as importantly, though, represents a balance for our economy, a reasonable and responsible approach toward humanity for those who come to work and for those who want to be citizens. In my opinion, that is a responsible position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 8 minutes.

Mr. KENNEDY. Would the Chair tell me when I have 2 minutes remaining, please?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

Mr. KENNEDY. Mr. President, at this stage of the whole consideration of immigration reform, I wish to mention my friend and colleague, Senator MCCAIN, whom I have had the good opportunity to work with—I have worked with many others but particularly with Senator MCCAIN over the last 3 years—in terms of developing a comprehensive approach on this issue.

There was a bipartisan group that came together, including members of our Judiciary Committee and people who had a particular interest who were outside of our committee. I am very grateful to them and the chairman of our committee, Senator SPECTER, and, as always, a valued friend and also a leader, Senator LEAHY. I thank my own leader, Senator REID, for all of his good work and counsel and advice. The Senator from Illinois, Mr. DURBIN, and Senators SALAZAR, MENENDEZ, LIEBERMAN, and OBAMA have all been good supporters during this period of time.

On the other side, Senators GRAHAM, BROWNBACK, DEWINE, MARTINEZ, and HAGEL have worked very closely with us.

Senator FEINSTEIN has been a person of enormous knowledge, understanding, and awareness of the range of immigration issues, with very special attention to California, which presents such challenges. She has not only been in this debate and discussion an extraordinary ally, but to any debate and discussion on immigration and immigration reform, she brings a special dimension. She worked with Senator CRAIG in a very strong, bipartisan way in the initial proposal Senator MCCAIN and I introduced. We recognized that the AgJOBS bill was enormously important. It had a few different approaches, but rather than making this issue more complicated, we did not include it. We welcomed it, but we had the leadership of Senator FEINSTEIN and Senator CRAIG.

So this has been a bipartisan effort in trying to bring about immigration reform. I will not review the very powerful and strong arguments about the border being broken and the need for our focus and attention on the border, about our national security interests and issues in trying to get it right, and about considering who comes to the United States and who does not come. As to our sense of humanity, I will speak about that for just a few minutes, in terms of how we are going to treat those who have come here and worked hard, played by the rules, who are devoted to their families and their religion, and who join the Armed Forces of our country and serve nobly.

So I rise this morning recognizing that the Senate has failed to adopt urgently needed immigration reform, and in doing so, we failed in our duty to our Nation and our democracy and our American people. We only make progress on issues of civil rights and immigration when we have bipartisanship. We haven't had a great deal of bipartisanship over the recent past. We certainly did on this issue, and that is why it is doubly disappointing and sorrowful that we have missed the opportunity at this time. I believe we also failed our immigrant heritage and the 11 million undocumented workers and families who looked to us for hope.

Clearly, the obstacles to progress are many, but for those who are committed to immigration reform, this debate certainly is not over. We will continue, if not today, then tomorrow and in the days ahead because the battle must go on.

As one who has been in the trenches on this issue since I first came to the U.S. Senate over 40 years ago and who has been a part of this effort to try to put into perspective the enormous magnet of America to people who look to it with hope and opportunity and progress and those who understand that we have to do this in an orderly and rational and reasonable and thoughtful way, there is always tension. But we are proudly a nation of immigrants, and I certainly believe we have lost an important chance and opportunity to make important progress on this issue.

What is at stake is not just our security but our humanity as well. We can't set that aside. We vote today on our security but also on our humanity. We cast a vote on what Congress will do about Sheila, an undocumented immigrant originally from Cork, Ireland, who has lived on Cape Cod for the last 10 years. She left Ireland due to the economic depression. Now her whole life is here in the United States. Her citizen brother is fighting in Iraq. But upon petitioning for her, he found he had a 15- to 20-year wait. Sheila listened to her grandfather's funeral through a cell phone because she wasn't able to travel to Ireland. A talented musician, she has worked and paid taxes for the past decade as a carpet cleaner and a secretary.

We vote today about what to do about William, who came to Massachusetts 14 years ago from Guatemala to make a better life for his family. He is a factory worker who has paid taxes for the past 14 years. He has a 7-year-old son, David, with cerebral palsy. David is severely blind, disabled, and can't walk. William is his sole provider.

The PRESIDING OFFICER (Mr. ISAKSON). The Chair would remind the Senator he has 2 minutes remaining.

Mr. KENNEDY. Mr. President, I am reminded now, in these last moments, Cardinal Mahony, the Archbishop of Los Angeles, has been a courageous voice on these issues: Now is a historic moment for our country. We need to come together and enact immigration reform that protects our national security and upholds our basic human rights and dignity. That is the challenge before us.

Fifty years ago President Kennedy wrote a book called "A Nation of Immigrants." In this book—I will just mention a very brief part—he writes:

In just over 350 years, a nation of nearly 200 million people has grown up, populated almost entirely by persons who either came from other lands or whose forefathers came from other lands. As President Franklin D. Roosevelt reminded a convention of the Daughters of the American Revolution, "Remember, remember always, that all of us, and you and I especially, are descended from immigrants and revolutionists."

As Walt Whitman said, "These States are the amplest poem, Here is not merely a nation but a teeming Nation of Nations."

To know America, then, it is necessary to understand this peculiarly American social revolution. It is necessary to know why over 42 million people gave up their settled lives to start anew in a strange land. We must know how they met the new land and how it met them, and, most important, we must know what these things mean for our present and for our future.

Those words are as alive today as they were at that time. The challenge is here. We want to give assurances to those who have given us great support over this period of time that we are in the battle to the end.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. REID. Mr. President, I am yielding 1 minute of my leader time to Sen-

ator FEINSTEIN and 1 minute of my leader time to Senator MCCONNELL.

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

The Senator from California is recognized for 1 minute.

Mrs. FEINSTEIN. Mr. President, I offer these words on behalf of Senator BOXER, my friend and colleague, and myself. Senator CRAIG said it correctly. Senator BOXER and I have more illegal people in one county than most Senators have in their entire State. Therefore, what happens here is of serious consequence for the people of California and for us as well.

We are both going to vote for this motion to commit. We are going to vote for it with the hope that the ensuing weeks are going to enable some parts of it to be worked out more clearly.

I serve on Judiciary. I serve on the Immigration subcommittee. The beauty of the original McCain-Kennedy legislation was that once you accepted that approach, you accepted an approach of balance which was simple and which was able to be carried out.

My concern is by developing the three tiers of individuals, as the Martinez plan does, that you create a much more complicated scenario in terms of enforcement and therefore run the risk that it cannot be carried out well, particularly for those here for less than 2 years—who are in the millions. They simply disappear into the fabric, once again, of America, and you have the same problem all over again.

I hope during the 2 weeks cool minds will prevail and that we will be able to work on this legislation further. We have been on rather a forced march, a forced march in Judiciary to mark up a bill. There have been more than a half dozen guest worker plans in committee. It has been a difficult and complicated path.

I urge that we come together as one body, that we work together as one body. I think the lives to be affected by what we do are perhaps more deeply affected than with virtually any other piece of legislation. Both Senator BOXER and I offer our time and our energy to try to help in this.

We will vote yes on cloture. It is our hope a majority of this body will do so also.

I yield the floor.

Mr. GRASSLEY. Mr. President, I would like to speak for 20 minutes on immigration.

Immersed in the routines of daily life, many people don't make an extra effort to track legislation as it winds through Congress. It usually takes an issue that hits close to home before it motivates people to take notice.

This issue has hit home to many. We have dived into a very passionate and emotional debate in the U. S. Senate. Our country was founded by immigrants, and continues to be a Nation of immigrants. We have benefited from the achievements of many new residents. And, today, people in foreign

lands want to be a part of this great country.

Generation after generation tirelessly pursues the American Dream. We should feel privileged that people love our country and want to become Americans. We are a wonderful nation, and it is evident by the number of people who want to come here.

But it is hard to empathize with those who thumb their noses at the rule of law. Estimates say more than 11 million undocumented immigrants already live in the country. They deliberately bypassed the proper channels and broke our laws to enter the country.

We are a nation of laws. Our country was founded on the rule of law. And now our welcome mat is being trampled on.

I am a member of the Judiciary Committee, and I was a part of the 5-week markup session. I voted against the committee bill. But I think we made great strides on the border security and interior enforcement titles.

I supported amendments to provide more authority and resources to our State and local law enforcement. One of my amendments increased the number of ICE agents we have in each State. I supported amendments dealing with expedited removal and increased detention space.

We enhanced border security and increased our manpower to patrol the border. We reformed the L visa program and the Temporary Protected Status program. We addressed the problem with countries which don't take back their illegal citizens by denying them visas.

We did a lot of positive things. But these reforms will mean nothing if an amnesty in sheep's clothing goes forward.

Some say that our enforcement-only approach in 1996 didn't work. Let me remind my colleagues that the 1996 bill contained measures that still have not been implemented. The best example is the entry-exit system. It is not fully operational because Congress and our bureaucrats keep delaying its implementation.

The compromise before us may contain enforcement measures, but they mean nothing if Congress and the administration don't make the commitment to follow through. And our strong enforcement measures are worthless if we pardon every illegal alien.

I was here in 1986. I voted for the amnesty during the Reagan years. I know now that it was a big mistake. I have been here long enough to know the consequences of rewarding illegal behavior.

Let me take a moment to raise some concerns about the compromise before us.

The compromise provides for a three-tier system. It puts illegal aliens into three categories. Those who have been here for 5 years or more automatically get a glide path to citizenship. Those who have been here for 2 to 5 years

have to go home—at some point in the future—and re-enter through a legal channel. Those who have been here for less than 24 months are illegal aliens, and we assume that they will return to their home country.

Some have estimated that there are 7.7 to 8.5 million illegal aliens who have been here for more than 5 years. That is more than 75 percent of the illegal population. But that is not all. The compromise says that the family of the illegal alien—their spouses and children—can also apply. It doesn't say that their family has to be in this country. In fact, those back in their home countries are now getting a free pass to cross the border. They, too, are on their way to a citizenship.

Those in the second tier who are required to go home and re-enter through a legal channel won't go home. Why would they if their neighbors are getting citizenship? They will hold out for their reward. They will wait for Congress to pass another amnesty bill. We are sending a bad signal. We are saying some can get amnesty and some cannot.

I know my colleagues say this isn't amnesty, but it is. I know some say that the alien has to pay their taxes, pay a fine, have worked for 3 years, and learn English. They say that the aliens are earning their citizenship. I respectfully disagree.

Yes, an alien has to pay \$2,000 to come out of the shadows. But individuals under 18 don't have to pay. And the fine probably won't cover the costs of implementing the program, nor will it cover the costs of a background check.

I have said it before, and I repeat it now: \$2,000 is chump change. These same people probably paid a smuggler \$15,000 to get them across the border. We are selling citizenship.

The proponents say that illegal aliens have to pay their taxes. Don't let them fool you. Sure, they have to pay all outstanding Federal and State taxes before their status is adjusted, but they only have to pay the taxes they owe for the 3 years that they are required to work. What about the other years? They have been here for at least 5. What about those under the age of 20 who are exempt from having to work? What if they work? Don't they have to pay their taxes?

Another point about this provision on taxes is that it is going to be a burden on the IRS. As chairman of the Finance Committee, which oversees the IRS, I can tell you that the taxman is going to have a difficult time verifying whether an individual owes any taxes. It will be impossible for the IRS to truly enforce this because they cannot audit every single person in this country. We need to place the burden on the alien, not the Federal Government. We need to require them to come forward and show us their tax returns.

When an alien applies for legal status, they have to prove that they have been working for 3 out of the last 5

years. If an illegal alien can't get their IRS records or an employer to attest to their working, then they can get a friend to attest. They can have anybody on the street sign a sworn affidavit to attest for them. That is fraud and corruption waiting to happen. Do you think the Federal Government is going to have time to check out their sources and prove their claims?

The proponents of amnesty also say that the alien is not eligible if they do not meet certain health standards. It does not say that one has to undergo a medical exam. In fact, those who fall under the second tier, who have been here for 2 to 5 years, may be required to take a medical exam.

My home State of Iowa is currently dealing with a mumps epidemic. Some speculate that the disease was brought over by a foreign student. That is the point of a medical exam. This compromise would place heavier burdens on our public health departments because we won't know what types of diseases these individuals have. They should be required to undergo a medical exam at their own expense. We need to require them upfront in order to prevent outbreaks of contagious diseases.

The English requirement is weak. It is weaker than current naturalization requirements. Under current law, an immigrant has to demonstrate an understanding of the English language and a knowledge of the fundamentals of our history and government. Under this compromise, an alien only has to prove that they are pursuing a course of study in English, history, and U.S. Government. Anybody could make that claim.

The compromise would require the Department of Homeland Security to do a background check on the illegal aliens in the United States. In fact, this compromise has placed a time limit on our Federal agents. They have 90 days to complete them. That is unrealistic. It is possible. It is a huge burden. And it is a huge expense.

Homeland Security will surely try to hurry with these background checks. They will be pressured by Congress to rush them. They will rubberstamp applications despite possible gang participation, criminal activity, terrorist ties, and other violations of our laws. This is a national security concern.

The compromise before us prohibits the Government from using the information in an application against an alien. So if an illegal alien writes in their application that they voted, or that they smuggled in drugs, or that they are related to Osama bin Laden, then our Government cannot use that information for critical investigations. In fact, the compromise would fine bureaucrats \$10,000 if they use the information in an application for purposes other than adjudication.

But wait—there is more. If an alien has been ordered removed, and is sitting in jail ready to be deported, the alien still gets the chance to apply for

this amnesty. The thousands of illegal aliens with orders to leave the country can apply. Their country won't take them back, so our country will give them citizenship. That doesn't make sense.

Everything that I have spoken about so far is based on the amnesty program for those who are currently in the United States. I would like to express two concerns about the future flow provisions. When we say future flow we mean those who aren't here but who can apply for legal entry through a "temporary" guestworker program.

First, on day 1 of their entry into the U.S., an employer can sponsor the alien for a green card. If they are not sponsored within 4 years, then the alien can petition for him or herself. Yes, this temporary program for temporary workers becomes a citizenship program for anybody and everybody.

Second, there is a numerical limit of 400,000. It is intellectually dishonest to say that this is the ceiling. The cap can be increased automatically without congressional approval if the limit is reached. It will never decrease; it can only increase.

This compromise will have enormous economic and employment implications for the Nation. If we enact it, we will sell out the middle class in America. We would also push aside the lower, uneducated class of American citizens.

Foreign workers won't have to take low-skilled jobs anymore. They won't be required to do the jobs that Americans supposedly won't do. Their spouses and children will permanently take jobs away. These aren't temporary workers anymore.

What happens when this country goes into recession? Americans will be banging on our door, asking why we did this to them.

We are allowing businesses to hire people at lower wages because they are illegal, rather than hire Americans at somewhat higher wages. Maybe this country needs to focus more on training and educating our own people, and less on how businesses can make more money by hiring illegals. By opening the floodgates for these kinds of low-skilled immigrants, we are taking away opportunities for our own.

Businesses have no problems paying under the table or paying lower wages. They also don't have problems paying CEOs and executives astronomical salaries. There is something wrong with this equation.

I have an amendment to create an Employer Verification System. This amendment, worked out between the Finance and Judiciary Committees, will require employers to check the eligibility of their workers.

It will give businesses the tools they need to be compliant with the law. Right now, the system is voluntary, but it is time to make this system a staple in the workplace. We will increase worksite enforcement and penalties, safeguards and privacy protections.

But this system needs to be in place if we are going to have a guest worker program. Employers are put on notice—we will hold them accountable, and we will penalize them if they violate the law.

We are taking a huge step here in shaping the future of our country. What we do here with immigration will impact every aspect of our daily lives.

An amnesty program for millions of people will increase the fiscal burden on our country. It will further strain our health care, education, and infrastructure systems. If these folks are not paying their taxes, then American citizens will have to pick up the tab. Americans will have to build bigger schools, and pay for the huge medical expenses of these people.

So I ask my colleagues to think twice. Read the fine print. Ask yourself this: What about fairness? What about those who waited their turn in line? What about those who abide by the rules?

I know many of my colleagues will support the compromise that was agreed to in the last day. I know they are saying to themselves: This is better than nothing. We had to do something. I ask my colleagues this: Do you think voting for this without the process of amending and debating is what we were elected to do? Voting for this bill because it is supposedly the best thing out there isn't a good enough reason.

As a U.S. Senator, I took an oath of office to honor the Constitution. I bear a fundamental allegiance to uphold the rule of law. And that is why I cannot in good conscience support granting legal status to illegal immigrants who have violated our laws. Lawbreakers should not be rewarded. The compromise sends the wrong message to millions of people around the world. If you vote for this compromise, you obviously don't respect the rule of law.

With a wink and a nod, Uncle Sam would turn America's historic welcome mat into a doormat trampled upon by millions and millions of illegal immigrants.

Mr. FEINGOLD. Mr. President, today I voted in favor of cloture on the Hagel-Martinez compromise on the immigration bill. I did not like the changes that this compromise made to the Senate Judiciary Committee bill, and I would vastly prefer that the Senate pass the committee bill intact. But we lost the cloture vote on the committee bill yesterday, and I saw this as the only way to move forward with comprehensive immigration reform this year. I remain hopeful that after this coming recess, we will be able to come to some agreement on meaningful, comprehensive reform. This issue is too significant to put off—too important to our national security, to our economy, and most importantly to the millions of people whose lives will be affected. Like so many of my colleagues, I am willing to work on a bipartisan basis to address the critical problems facing our Nation with regard

to immigration, just as the Judiciary Committee was able to do.

I do want to lay out some of my concerns about the Hagel-Martinez substitute. But first, I should note that this compromise leaves intact most of the committee bill, including very important provisions like the guest worker program for foreign workers who want to enter the country in the future for jobs that Americans are not filling, the family reunification provisions, the AgJOBS title to help agricultural workers, and the DREAM Act to provide higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own.

Nonetheless, the compromise makes some troubling revisions to how we would deal with undocumented individuals who are currently in the country. I appreciate that Senator KENNEDY was able to secure some important changes to the original Hagel-Martinez proposal that help protect workers, such as stronger wage protections. Those were important concessions. But I am concerned about the core modification that the compromise makes to the committee bill; that is, treating differently those people who have been here for more than 5 years and those who entered the country illegally in the last 2 to 5 years. This approach is overly complicated and difficult to administer, and it is unfair to treat these two categories of people differently.

Mr. President, we must enact realistic, comprehensive reform, and I will continue to work with my colleagues toward a solution. I hope that we can accomplish that this year.

The PRESIDING OFFICER. The time of the minority has expired.

Mr. McCONNELL. Am I correct there is now 4 minutes left on this side?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. I yield 2 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, let me say the bill that came out of the committee, the Kennedy-McCain bill, was substituted there over the Specter bill. It lurched the bill even further toward amnesty than we already were heading. When it came up for a vote yesterday, it needed 60 votes to proceed. It got 60 votes against it—only 39 to proceed. It was defeated overwhelmingly.

Then they hatched a compromise among Members who already supported the Kennedy bill and they claimed they were producing a compromise that could be supported. But people who should have been involved in that compromise, who worked so hard on this, such as Senator KYL, Senator CORNYN, Senator FEINSTEIN, Senator DORGAN, Senator NELSON, and Senator KAY BALEY HUTCHISON, who is here—I am not aware they were involved in it. So they bring that up now and expect us to support it.

Ninety-five percent of what was in the bill rejected yesterday is in this one and there is no substantial change

in matters of amnesty. In fact, with regard to green cards, it increases significantly the number that would be granted over the bill we rejected yesterday. It is an unprincipled approach, in my view, and not a well thought out plan.

With regard to this question, who will say on the floor of this Senate that the enforcement provisions will be carried out and we will actually have enforcement on the border? That is why the Presiding Officer, Senator ISAKSON, had a perfectly important amendment. That was not allowed to be voted on. It would at least have taken a strong step toward ensuring that whatever we passed becomes law.

Finally, when asked what the cost was, nobody knew until last night and we find that the cost of this bill is \$29 billion over 5 years. Nobody had even thought about it. That clearly is a budget-busting matter.

This bill is a dead horse, in my view. It should be rejected because amendments have not been allowed, and it should be rejected most importantly because it does not do what it purports to do.

I yield.

The PRESIDING OFFICER. The majority whip is recognized for 2 minutes.

Mr. McCONNELL. Mr. President, no one has been the beneficiary of legal immigration more than this Senator. My wife, who has the privilege of serving in the President's Cabinet, came to this country at age 8 not speaking a word of English and has realized the American dream and been an important part of my life, obviously, as my partner for a number of years. So I am one Senator who wishes to see a comprehensive immigration reform bill pass.

But the Hagel-Martinez bill is a lengthy, complicated measure, and it was suggested last night by my good friend, the Democratic leader, that somehow it is extraordinary to request 20 amendments on a bill of this magnitude and complexity.

Routinely on bills of this size we have at least this many amendments. In this Congress alone, for example, we had 21 votes on the Energy bill, 37 votes on the budget resolution, and 31 votes on the bankruptcy bill, including a couple of nongermane amendments on minimum wage. All of those bills, of course, were arguably complex, but certainly this one is as well.

We have been allowed to have only three votes on amendments to this bill, and we have been on this bill well in excess of a week. So what Republicans are arguing for today is fairness in the process, the routine, normal way with which we deal with complex legislation here on the floor of the Senate, after which we will produce, hopefully, a comprehensive bill that will be passed on a bipartisan basis. In the meantime, it is my hope and expectation that all Republican Senators will oppose cloture until we are allowed to offer this rather reasonable and modest number of amendments—about 20.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Democratic leader.

Mr. REID. If the majority agrees here, I will make a brief statement and use my leader time.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, I spoke yesterday about the American people's need for a win on immigration—not the Republicans, not the Democrats. Today we have another chance to give them that win if we vote for cloture and move forward on legislation that will protect our borders and fix our badly broken immigration system. All of us, Democrats and Republicans—we all need the courage to do what is required of us now. It is time to move forward on tough and smart immigration reform.

The amendment before us does what we need of an immigration bill. An immigration bill will secure our borders, crack down on employers who break the law, and allow us to find who is living here by giving 12 million undocumented workers a reason to come out of the darkness, out of the shadows, pay a fine, undergo a background check, stay out of trouble, have a job, pay the penalties, and become legal when their number is called, even though it is many years from now.

Americans have demonstrated literally in the streets for a bill like this. They have spoken. It is up to the majority to answer their call. If tough, comprehensive immigration reform fails to move forward, it will be the Republicans' burden to bear. Virtually all Democrats supported the Specter bill that came before the Senate. Virtually all Democrats support the Martinez substitute. So the majority must explain to the American people why they are permitting a filibuster of immigration legislation, a filibuster by amendment.

On such an important national security issue, this is no place for stonewalling and obstruction. Yet that is where we are. We are ready today to fix our broken immigration system and give Americans the real security they deserve. They are looking for a win. They deserve a win. We can do it with a vote to invoke cloture.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, a lot of people are asking what happened between the optimism of yesterday morning that centered on real progress, as people did come around working together, both sides of the aisle, on a Hagel-Martinez amendment, and this morning where it looks as if everything has been obstructed, stopped, stonewalled. There are talks of obstruction from the other side of the aisle. What has happened is no amendments have been allowed by the other side of the aisle to come to the floor to be debated, to be discussed, to be voted upon. Rollcall votes or voice votes—

zero over the last 24 hours, where the clear understanding yesterday morning was that we would have an opportunity to allow Senators to express themselves on votes.

The Democratic leadership has effectively stopped, put a halt to that great progress that was being made yesterday morning, by not allowing amendments. Yes, they put a stranglehold on the right of every Senator to offer amendments and to have his or her views expressed and acted upon. The facts tell the story. Over the last 9 days, on complex issues based on a very good, solid product generated by the Judiciary Committee, about 400 amendments have been filed and only 3 of 400 have been allowed by the other side of the aisle to come to the floor to be voted upon. Only 3 out of 400. That tells the whole story. In the process on a bill that is a challenging bill, a large bill, a bill that will affect almost 300 million Americans now and many more in the future, we have only been allowed to have three votes over the last 9 days.

Viewers, I know, ask, people at home ask all the time: How can that possibly be, if you have good support and people look as though they are working together and all? And the answer is if anything takes unanimous consent around here, anything does, the Democratic leadership can effectively stop, put a halt to that debate and amendment process. Of 400 amendments, 3 have been considered over the last 9 days. It is a process that has been broken. It is a process we have to fix if we are going to be able to address the issues before us, whether it is immigration or other important bills.

It has been interesting, listening to some of the comments this morning and last night, and as has been reflected in both the Democratic leader's statements and in mine and others, it is true the Democratic leader—to me this is almost laughable—has said we are going to dictate who is on the conference committee, the minority leader, the Democratic leader, saying we are going to dictate who is on the conference committee. It is absurd. It is laughable. It has never been done. But it is proposed as if that is even a reasonable proposal before allowing us to take up amendments and debate them and have them voted upon.

I asked unanimous consent last night—because it is frustrating having 400 amendments over there and in 9 days only being allowed 3 votes—let's take up one of those amendments. That was refused. Let's take up another one. That was refused, my unanimous consent request, and a third was refused just to demonstrate—yes, it is frustration, and it is the right of the minority to obstruct, but that explains the difference between the optimism moving forward for a solution before we began the recess and now what is obviously going to occur; that is, we are going to have to postpone and delay full consideration of this bill.

The Democratic leader earlier this morning asked: Why aren't we allowing

these amendments to come forth from the other side? Indeed, out of 400, I said: Can't we consider 20 of them at some point in the future? The answer was no. Why don't we consider amendments? Why are we shutting down the amendment process because some Members might not agree with everything in that 425-page bill?

There are going to be things in there that need to be fixed, modified. There may be some dangerous things in there in many people's minds. And to not even allow them to bring them to the floor to debate them is just flat out wrong.

I can understand the other side trying to advantage themselves in the outcome in their favor, but to shut out all amendments, to say that only 3 of 400 amendments are to be considered is simply wrong. It really does come down to a matter of fairness.

I began this debate a week and a half ago saying: Let's have a civil process, a dignified process. It is an important issue with many millions of people coming across our borders. We need to secure our borders. We need to have worksite enforcement and interior enforcement. We need to have a temporary worker program. There are 12 million people in the shadows. We need to bring them out.

It has effectively been brought to a halt by the other side. It is unfair to deny Members on both sides of the aisle the right to express their voice and have their amendments considered. It is unfair to the authors of the bill and the Judiciary Committee that generated this bill. It is unfair to this body, and I believe to the institution as a whole and to the American people.

Although I am strongly supportive of a border security bill—tighten those borders—a bill that addresses worksite enforcement, a temporary worker plan, and one that brings people out of the shadows, I feel it is important that we oppose bringing debate on the Hagel-Martinez amendment to a close in order to protect the rights of Members to offer amendments and to have them debated and voted on.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. All time having been yielded, under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending motion to commit S. 2454, the Securing America's Borders Act.

Bill Frist, Arlen Specter, Michael B. Enzi, Lindsey Graham, Trent Lott, Chuck Hagel, John McCain, Mitch McConnell, George V. Voinovich, Mel Martinez, Lamar Alexander, Norm Coleman, Pete Domenici, Orrin Hatch, David Vitter, Johnny Isakson, Jim DeMint.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the pending motion to commit S. 2454, the Securing America's Borders Act, to the Committee on the Judiciary with instructions to report back forthwith shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 60, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—38

Akaka	Harkin	Menendez
Bayh	Inouye	Mikulski
Biden	Jeffords	Murray
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Clinton	Landrieu	Salazar
Dayton	Lautenberg	Sarbanes
Dodd	Leahy	Schumer
Durbin	Levin	Stabenow
Feingold	Lieberman	Wyden
Feinstein	Lincoln	

NAYS—60

Alexander	Crapo	Martinez
Allard	DeMint	McCain
Allen	DeWine	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Nelson (FL)
Bond	Dorgan	Nelson (NE)
Brownback	Ensign	Roberts
Bunning	Enzi	Santorum
Burns	Frist	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Conrad	Kyl	Vitter
Cornyn	Lott	Voivovich
Craig	Lugar	Warner

NOT VOTING—2

Rockefeller Stevens

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. FRIST. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. FRIST. Mr. President, I ask unanimous consent that the next vote be a 10-minute rollcall vote.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. FRIST. Mr. President, for the information of our colleagues, the next

vote will be a 10-minute rollcall vote. If cloture is not invoked, we are working on an agreement that will have about 55 minutes—hopefully less—before we will have another rollcall vote. That will be immediately followed by another rollcall vote, and then, depending on the outcome of that vote, that would either be the last vote or we might have one more vote. So a 10-minute vote, about 55 minutes, two rollcall votes, and then we will have more to say.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 376, S. 2454, a bill to amend the Immigration and Nationality Act to provide for comprehensive reform, and for other purposes.

Bill Frist, George Allen, Mitch McConnell, Pete Domenici, R.F. Bennett, Jim Talent, Craig Thomas, Elizabeth Dole, Conrad Burns, Jim DeMint, Saxby Chambliss, Johnny Isakson, Ted Stevens, Wayne Allard, Norm Coleman, Trent Lott, John Thune.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2454, the Securing America's Borders Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alaska (Mr. STEVENS).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36 nays 62, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—36

Alexander	Cornyn	Lott
Allard	Crapo	McConnell
Allen	DeMint	Murkowski
Bennett	Dole	Nelson (NE)
Bond	Domenici	Santorum
Bunning	Enzi	Sessions
Burns	Frist	Shelby
Burr	Grassley	Smith
Byrd	Gregg	Sununu
Chambliss	Hatch	Talent
Coburn	Hutchison	Thune
Cochran	Isakson	Vitter

NAYS—62

Akaka	Carper	DeWine
Baucus	Chafee	Dodd
Bayh	Clinton	Dorgan
Biden	Coleman	Durbin
Bingaman	Collins	Ensign
Boxer	Conrad	Feingold
Brownback	Craig	Feinstein
Cantwell	Dayton	Graham

Hagel	Levin	Reid
Harkin	Lieberman	Roberts
Inhofe	Lincoln	Salazar
Inouye	Lugar	Sarbanes
Jeffords	Martinez	Schumer
Johnson	McCain	Snowe
Kennedy	Menendez	Specter
Kerry	Mikulski	Stabenow
Kohl	Murray	Thomas
Kyl	Nelson (FL)	Thomas
Landrieu	Obama	Warner
Lautenberg	Pryor	Wyden
Leahy	Reed	

NOT VOTING—2

Rockefeller Stevens

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DOMENICI. Mr. President, I wish to express my dismay regarding the collapse of the Senate's work on border security legislation.

As a border State Senator, I know first-hand the need to secure our international borders because every day I hear from constituents who must deal with illegal entries into our country. We have a crisis on our borders and the status quo is not acceptable. We need to address this situation but are not being allowed to because of Democrats' refusal to allow votes on amendments to border security legislation on the Senate floor.

Their refusal to allow votes means that my amendments, which are very important to New Mexico, the southwest border, and the Nation, cannot be considered. Those amendments would have provided for two more Federal judges in New Mexico to deal with immigration cases, provided 250 new deputy U.S. Marshals to transport and guard criminal illegal aliens, authorized \$585 million for land port of entry infrastructure and technology, and called for Mexico's cooperation on border security.

My amendments are based on needs that are imperative to border security. I have been told of the need for new Federal district judges in New Mexico by the Chief Judge for the Tenth Circuit Court of Appeals, the Chief Judge of the New Mexico District, and several other Federal district judges in my home State. In fiscal year 2005, more than 1800 immigration cases were filed in the District of New Mexico. We must have more Federal judges to handle this caseload that the Judicial Conference has referred to this situation as a "crisis." I have been told of the need for new deputy U.S. Marshals by the U.S. Marshal for New Mexico. His deputies are responsible for transporting illegal aliens to court and guarding them when they appear in Federal district court. I have seen firsthand the need for port of entry improvements in New Mexico, and since I worked with Senator DeConcini on the last major land port of entry overhaul in 1986, I know that the time has come to again address our land port needs. Lastly, I am convinced that we must have Mexico's cooperation to secure our porous southwest border, and my amendment

would have provided a path to secure that cooperation.

The refusal of Democrats to allow consideration of these amendments is nothing short of irresponsible behavior towards the security of America.

The Democrats' refusal to limit debate on the majority leader's border security bill today confirms their lack of understanding regarding the need for border security. Senator FRIST's Securing America's Borders Act includes 1,250 new customs and border protection officers, 1,000 new DHS investigative personnel, 1,250 new DHS port of entry inspectors, 1,000 new Immigration and customs enforcement inspectors, and 2,400 new border patrol agents. The bill authorizes funding for new border security technologies and assets, including new unmanned aerial vehicles, vehicle barriers, cameras, sensors, and all-weather roads. This bill would have addressed many of our border security needs, and I am frustrated that we were not allowed to vote on this bill.

As it stands now, we will not see any of the comprehensive border security improvements that New Mexico and other States desperately need. I could not be more disappointed.

On February 10, 2005, I introduced legislation to create additional Federal district judgeships in the State of New Mexico.

On November 17, 2005, I introduced the Border Security and Modernization Act of 2005, S. 2049, with bipartisan support. That bill calls for improvements to our port of entry infrastructure, increased Department of Homeland Security, DHS, and Department of Justice personnel, new technologies and assets for border security, increased detention capacity, and additional Federal assistance for States.

On February 17, 2006, I introduced the Welcoming Immigrants to a Secure Homeland Act. That bill calls for an increase in the number of DHS personnel who investigate human smuggling laws, employment of immigrants, and immigration fraud and increased penalties for violations of immigration laws. It also creates a new guest worker visa that lets individuals who want to, come to the United States to work. Lastly, it creates a way to account for the millions of undocumented aliens residing in the United States without creating an automatic path to citizenship.

I supported the efforts to jointly address border security and immigration reform legislation, but I am convinced that if we cannot agree regarding immigration reform, we must still secure our borders. The President must budget for our border needs, and Congress must appropriate for those needs.

EXECUTIVE SESSION

NOMINATION OF DORRANCE SMITH TO BE AN ASSISTANT SECRETARY OF DEFENSE

Mr. FRIST. Mr. President, in executive session, I ask unanimous consent that the cloture motion be withdrawn with respect to Calendar No. 485, and that the Senate proceed to its consideration; provided further that there be 55 minutes for debate as follows: Senator WARNER 10 minutes, Senator LEVIN 25 minutes, Senator HARKIN 10 minutes, and Senator REED 10 minutes.

I further ask that following the use or yielding back of time, the Senate proceed to vote on the confirmation of the nomination; provided further that the Senate then proceed to the vote on invoking cloture on the nomination of Calendar No. 252.

Finally, I ask unanimous consent that if either nomination is confirmed, the President be immediately notified of the Senate's action.

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

The clerk will report the nomination.

The assistant legislative clerk read the nomination of Dorrance Smith, of Virginia, to be an Assistant Secretary of Defense.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. 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.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

IMMIGRATION REFORM

Mrs. HUTCHISON. Mr. President, I want to comment on what has happened over the last 2 weeks on a very important bill—maybe the most important bill for the future of our country that we will take up this year, and that is immigration reform.

I was very disappointed that we were not able to have a vehicle on which we can have amendments in the normal course of action that we have on the floor of the Senate. I cannot think of a more complicated, comprehensive issue that we could amend and make a better bill that would have the support of the vast majority of the Senate. Yet we have spent 2 weeks and were only able to have three amendments.

There are many differing views on what to do with the 12 million illegal immigrants that are in our country. But I think there is a consensus that we need better control of our borders, that we need security measures to know who is in our country, and that

we need a guest worker permit program that would allow people to come into our country legally to work and earn a living for their families, contribute to the economy of the United States, and perhaps become citizens, if they decide to, or not become citizens if they wish to remain citizens of their home country.

However, the issue of what to do with the 12 million people was not able to be discussed, debated, or refined on the Senate floor. I think that is a mistake, and I think we have missed a very important opportunity. The negotiations got down to allowing 20 amendments—20 amendments—on one of the most complicated bills that we will take up this year. We take up appropriations bills that have 70 amendments. We take up authorization bills that have 40 amendments. The negotiation was down to allowing 20 amendments, and we were not able to get the consent of the minority to take up 20 amendments to try to refine a bill that would allow the Senate to speak with an overwhelming majority, or at least to have all the voices heard so that we could start beginning to craft a bill that would help with an issue in our country of security and economics.

Mr. President, I am very disappointed. I think we have missed an opportunity. I hope very much that, as we go home for a 2-week break, we will think about how we can come together, come back here and not give up on having an immigration reform bill that secures our borders, that creates a guest worker program that will be productive for the participants and for the economy of our country, that will not displace American jobs but will welcome the immigrants who seek to come here, as we have done for over 200 years in our country on a regularized basis.

I thank the chairman of the Armed Services Committee. I know he is going on to very important work. I hope that we can address this issue when we return, and I hope the minority will work with the majority not to block future amendments that would make this a better bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we wish to confine ourselves strictly to the time the joint leadership agreed upon in the event we need recorded votes.

Mr. President, Dorrance Smith, the nominee, is designated to be the principal advisor to the Secretary of Defense on matters relating to public affairs in the media. Mr. Smith is a four-time Emmy Award-winning television producer, a political consultant, and a media strategist who has worked for over 30 years in television and politics. He spent 9 months in Iraq, in the years 2003 and 2004, where he served as senior media advisor to the setup at that time.