

Affairs and Department of Hawaiian Home Lands. The National Congress of American Indians and the Alaska Federation of Natives have passed resolutions in support of this bill. The bill is also supported by a number of organizations, native and non-native, including the American Bar Association, Japanese American Citizens' League, Inter Tribal Council of Arizona, and the Hawaii State Teachers Association.

I want to express my sincerest appreciation to our majority and minority leaders for working with me and Hawaii's senior Senator on scheduling the Senate's consideration of S. 147, the Native Hawaiian Government Reorganization Act of 2005. It is my understanding that the motion to invoke cloture on the motion to proceed to S. 147 will be filed on June 6, 2006, with the vote on the motion to occur on June 8, 2006.

I look forward to this opportunity to finally discuss S. 147. As my colleagues have heard over the past week, this is an issue of importance to all of the people of Hawaii, and this is not a native versus non-native issue in Hawaii. Rather, this is about authorizing a process for the people of Hawaii to be able to address longstanding issues resulting from a tragic, poignant period in our history. This is about establishing parity for Hawaii's indigenous peoples in Federal policies. This is about clarifying the existing political and legal relationship between native Hawaiians and the United States.

Again, I express my deep appreciation to our majority and Democratic leaders, to the cosponsors of this legislation, and to the senator from Arizona for helping to work out this agreement. I want to express my deep appreciation to Hawaii's senior Senator who has stood firm with me as we have sought to do what is right for the people of Hawaii.

Passing this legislation will make it right.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. SESSIONS. Mr. President, I want to share some thoughts about the immigration legislation that we will be dealing with next week. The bill before us is a massive piece of legislation—over 600 pages, as I recall, and deals with a number of extremely important issues. Little, if any, thought has been given, and certainly no debate and discussion or seeking of economic and scientific information to help us decide what our future immigration policies should be.

I have studied that legislation in some depth. I am a member of the Ju-

diary Committee, and have some fine lawyers on my staff. We have been digging into it, and have become more and more troubled as we studied what the legislation actually means and says. It does not do what it purports to do, which is to create a guest worker or temporary working policy for America. It has a number of other problems with it that I think deserve the most serious consideration.

Few, if any, issues that we face in this Senate have greater long-term consequences for our country than immigration. That is a fact.

Why are the American people so interested in this? Why have they expressed such concern about it? Because it is very important. We are responsible for them, and we have an obligation to them to think about this very carefully. Unfortunately, we have not done so. It is an idea that we have to do something. Yes, we need to do something. Let us all agree on that.

I have suggested that we should first proceed, as the House of Representatives did in a bipartisan, substantial majority vote decided, to deal with enforcement first, and establish some credibility with the American people that we can and will enforce whatever laws we have. To pass a new law and enforce it no better than the one that we have enforced in the past is no good.

That is the biggest frustration out there with anyone in our country who believes in law and order, policy and fairness and decency. You don't allow people to break in line ahead of others. How much more basic can it be than that? That is what we learned in elementary school. That is what we follow as adults in this country, but that is not what we are doing at the border.

We all know the system is broken. It has made a mockery of the law, and it is a terrible challenge for us, but one that we need to confront.

We decided in the Senate, and the President believes, we can't fix the law enforcement system first—we need to fix the entire scheme of immigration.

We have not had enough serious hearings on the fundamentals of what we are doing. I have asked for five hearings in the Senate on the Judiciary Committee on the economic and social implication of immigration. We were given one. It was a very valuable hearing but not enough, in my view. Certainly, I do not think the average Senator is fully engaged and aware of the serious concerns this legislation raises.

I will take a few minutes to go back over what I called in a speech a few weeks ago loopholes in the legislation. Some of that speech was based on the original Kennedy-McCain bill. I made that speech right after a compromise, the so-called Hagel-Martinez bill, hit the Senate. I will go back over these fundamental problems with the legislation. It indicates the weaknesses that exist today under the bill which will be in the Senate beginning next week.

As we go forward into the week, I will be discussing, and perhaps others

will as well, deeper flaws in the legislation that deal with the fundamental guiding principles of this legislation: What should we be doing? How many people should be allowed into this country? What skill sets should they bring? How should those decisions be made? How can we create a system which is enforceable, which will work to allow the country to decide what is in its best interests with regard to those who come here?

They say we are not supposed to talk too much next week. We are just supposed to come to the floor, offer amendments and maybe ask for 30 minutes of debate. We can have 20 amendments, and we will talk for just 30 minutes on those amendments on each side. We have been told: Don't talk too much, Senator, because we have to move this bill and get it off our plate. They do not want to talk about it too much because people back home might find out what is actually in the bill. That is the honest truth. On both sides, Republican leadership and Democratic leadership want to move something through. But "something" is not good enough. We ought to do the right thing.

Now I will talk about some of the flaws that continue to exist in this bill. I begin with loophole No. 1, illegal aliens. People here illegally are going to be part of this mass amnesty. We have discussed amnesty and whether the provisions in this bill are amnesty. I have to say I spent 30 minutes in the Senate going back to the immigration laws passed in 1986, and everyone admitted 1986 was amnesty when they passed it. They promised they would enforce the law in the future. They got the amnesty, and they didn't enforce the law. In 1986, they said there would be 1.5 million people claiming amnesty, yet over 3 million people claimed amnesty. They claimed we would have lawful immigration in the future, and now we have 11 million people here illegally. Why should the American people not have some doubts about the promises of Congress and the President to carry out a legal system that will work?

Let me point out a few of the things we are dealing with. "Blacks Law Dictionary," which is the premiere dictionary that virtually every lawyer in America has on his desk, has a definition in its section on amnesty, and it is defined as the 1986 Immigration Act. It is included as one of the definitions of what amnesty is.

What I suggest, essentially this current bill is probably less tight, less enforceable than the 1986 act. If amnesty has any meaning, this bill is amnesty. I don't want to get into any more debate about it, but I do not back down on the fundamental concept that the legislation before the Senate today is basically an amnesty for the people who came here illegally in violation of our law. They have to do a few things, they have to take some steps, but in no way will they be denied the fundamental things they sought when they came here illegally.

We are a generous nation. We know we have a real problem. We are not intending in any way to make all of these people who have come illegally leave the country. We will have to work through this in some generous and humane way to make sure we treat this sensitively and justly, but it is a difficult problem when we reward people who violate the law, for their very violation of that law. It is not a principle that should be lightly traversed.

Now here are just some of the loopholes.

Loophole No. 1: Illegal aliens with felonies or three or more misdemeanors will not be barred from getting amnesty under the Immigration and Nationality Act.

Different crimes make different aliens inadmissible and deportable or ineligible for benefits. As written in this bill, on page 347, it only requires an alien to show they are not inadmissible to qualify for the amnesty. However, some felonies make an alien inadmissible under the act and others do not.

The Kyl-Cornyn amendment that we will deal with next week that was blocked by the other side previously was designed to fix this loophole. Senator REID refused to allow these amendments to be voted on when the bill came up before because he did not want to have his Members recorded as voting for anything. I am not sure too many on our side want to have any votes, either, but it was clear that the Democratic leader was intent on moving this bill forward without any votes or as few votes as possible so we would not have to deal with some of these issues. This was a hot issue. We tried to get a vote on it, and we could not get a vote. So the Kyl-Cornyn amendment which was blocked was designed to fix this loophole. It will keep aliens with felony convictions or three misdemeanors from being eligible for amnesty.

Why do we want to give amnesty to felons? The United States ought to decide who it wants to be part of its citizenry. Since we cannot accept everyone in the world who would like to come here, why in the world would we not want to say: If you have a felony conviction, you are not one of them. We will invite someone who is honest and decent who will contribute positively to our country's growth, development, and culture. We could not even get a vote on this to fix it.

We have to make this change. Hopefully, we will get a vote on it this week to fix it. I believe we will have a vote in favor of not allowing felons to be given amnesty, but I am not sure, given the mood of the Senate today.

Loophole No. 2: Aliens previously barred from receiving immigration benefits for life because they filed frivolous asylum applications will be able to receive amnesty.

This is an interesting reversal of existing law. If you come in and make some bogus claim that you are entitled

to asylum, you can still get amnesty. We have had a lot of problems with people coming from a country, where maybe they were arrested for a legitimate crime and fled to the United States, saying they are being persecuted back home, and they want asylum. After looking into their claim, we find out it is bogus and they were actually an armed robber in their home country. We barred them from being able to get an application for any benefits under the immigration laws. It is a form of saying: We are not going to tolerate that. This bill reverses that.

Under INA section 208(d)6, if the Attorney General of the United States determines an alien knowingly filed a frivolous asylum application, he is to be permanently ineligible for any benefits under the INA. This bill would change that. On page 345, it says:

Notwithstanding any other provision of law, the secretary shall adjust an alien who meets the requirements for amnesty.

No provision of the bill states that the alien is ineligible for amnesty if they previously committed immigration fraud by filing a frivolous asylum application. The bill gives benefits to aliens previously barred from all immigration benefits. We give amnesty to them. If we want to keep those who have committed immigration fraud in the past from getting amnesty, we have to change that. We need to change that by closing this loophole.

Why did they put that in there? Who wrote this bill, I keep asking. I am sure the sponsors of the bill do not know the implications of all of these provisions. I don't know who put this together.

Loophole No. 3: All aliens who are subject to a final order of removal who fail to leave pursuant to a voluntary departure agreement, or who are subject to the reinstatement of a final order of removal because they illegally reentered after being once removed from the United States are eligible for amnesty.

Pages 358 to 359 of the bill clearly state that certain grounds of inadmissibility in the act will not apply to aliens who apply for amnesty under the bill. The current inadmissibility provisions that are waived include aliens with final orders of removal for document fraud. If you file a false claim to the Government as an American citizen, that is a felony. These charges are providing false documents, offenses that are felony offenses.

I repeat, the current inadmissibility provisions that are waived under this bill that will be in the Senate this week include aliens with final orders of removal for document fraud. They have been apprehended, caught, found to be here as a result of making false claims to the Government, failed to attend removal proceedings, were allowed to be out on bail, asked to come to court and answer the charges, and did not show up. They violated a court order to show up. They did not attend their removal proceedings. We call them absconders.

And aliens who already have final orders of removal and many other categories are exempted.

This means aliens who have already received their day in court, they have had their cases fully tried and have failed to depart the United States unlawfully, will now be rewarded for not leaving. They will qualify for amnesty. They will be able to become citizens of the United States. This will include many of the 37,000 Chinese nationals China has refused to take back whom we have ordered deported. If we want to enforce the laws against illegal aliens who already had their day in court, this loophole must be closed.

Loophole No. 4: Aliens who illegally entered multiple times, which is a felony, qualify for amnesty.

The first time you come into the country illegally, it is a misdemeanor. If you are apprehended and deported and you come back the second time, it is a felony. Aliens who have illegally entered multiple times—that is, chargeable with felonies—are eligible for amnesty. The bill, on pages 12–23, requires that the illegal alien be continuously present in the United States since 2001 to qualify for amnesty. However, the bill allows the alien to have left the United States for “brief, casual, and innocent departures.”

Let us remind ourselves that criminal laws are being broken each time an illegal alien crosses the border of the United States. Title 8, section 1325, of the United States Code says that illegal entry into the United States is a misdemeanor the first time and a felony thereafter. I don't think multiple illegal felonies are casual, brief, or innocent. It rewards those who have not followed the law.

Loophole No. 5: The bill allows aliens who have persecuted anyone—a persecutor on account of race, religion, national membership in a particular social group, or political opinion—to get amnesty. It fails to make persecutors ineligible for amnesty.

I would have thought this was an oversight until we noticed that on page 375—there are a lot of pages in this bill, over 600—line 22 makes these heinous acts bar aliens here between 2 and 5 years from amnesty. The same bar is left out for the 8.8 million aliens who have been here for more than 5 years. This can only be interpreted by any court as an intentional decision that Congress has made to allow persecutors who have been in the country more than 5 years to be able to stay here. I do not think we want to do that. Let's close that loophole.

We are told that people who come here come here to work, and for many that is certainly true. And many are fine, decent, good workers. Loophole No. 6, however, is that there is no continuous work requirement for this amnesty. We have been told that you have to earn your citizenship, earn your amnesty by working. But there is no real requirement for that.

To be eligible to adjust from illegal to legal status under the bill, the alien

must simply have been “physically present in the United States on or before the date that is 5 years before April 5, 2006,” and have been employed “in the aggregate” for “at least 3 years during the 5-year period ending on April 5, 2006,” and employed for “at least 6 years after the date of enactment” of this bill.

But it does not say—on pages 346, 347—that the alien must be employed continuously or that the requirement of employment be full-time employment.

The bill will be interpreted to allow the alien to be eligible if they have been employed in the United States either full time, part time, seasonally, or self-employed. It also allows the time of employment to be shortened if the alien is in attendance at a school or is under 20 years of age.

The employment requirement under the language as written is as broad as possible. Essentially, any alien who worked in the United States for 3 out of 5 years at any time prior to April 5, 2006, will fulfill these requirements. This is not any kind of rigorous standard. It is designed to let everybody qualify. It is so broad that if the Immigration Service were to try to go to court and challenge it, almost any alien would be able to meet and defeat the challenge and be able to have a judge—who is required to enforce the law as we write it—not enforce that law.

Loophole No. 7: The bill tells the Department of Homeland Security to accept “just and reasonable inferences” from day labor centers and the alien’s “sworn declaration” as evidence that the alien has met the amnesty’s work requirement.

Under the bill, the alien would meet the “burden of proving by a preponderance of the evidence”—that is all the burden is, a preponderance of the evidence—“that [he] has satisfied the [work] requirements” if the alien can demonstrate employment “as a matter of just and reasonable inference.”

An alien can present “conclusive evidence” of employment in the United States by presenting documents from Social Security, the Internal Revenue Service, employers, or a “union or day labor center.”

The bill then states:

[I]t is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

What does that mean? It means it is unenforceable, if you want to know the truth. I was a prosecutor for 15 years, a Federal prosecutor. How are you going to enforce the language? What kind of prosecutor is going to go to court when the Congress has basically said: “It is our policy that anything goes. Any documents they present, any inference that is raised would be sufficient to allow this to occur?”

Then it goes on to say that even if the lax standards I mentioned cannot be met, in order to make sure everybody meets the standard of being allowed to work here, it allows them to self-submit affidavits, “sworn declarations for each period of employment.”

The invitation for fraud cannot be clearer. Congress is telling the Department of Homeland Security to take the illegal aliens’ word for it, to accept pretty much anything as proof of work.

These provisions are all contained on pages 349 and 350. If we want to make sure the fraud that occurred in the 1986 amnesty does not occur again in the 2006 amnesty, these loopholes have to be closed. Why do we have these standards? Because politicians want to say that everybody here are workers, and we are not going to give amnesty to people who are not workers. OK. That sounds good. But when you read the bill, it does not require that. There is no way this can be enforced. And the authors of the legislation know it. They know it cannot be enforced. That is why they wrote it the way they wrote it, to let everybody qualify. So it is not true that this is a bill that requires earned amnesty by work. It does not.

Loophole 8: The bill benefits only those who broke the law and not those who followed it and got work visas to come to the United States or those who left when their visas expired.

I want you to understand this, colleagues. It is important to point out the unfairness that is inherent in the bill. Page 346 lays out the requirement that you must have been “not legally present in the United States on April 5, 2001.” So to qualify for the benefits here, you had to be illegally present in the United States on April 5, 2001. Illegal presence allows people to qualify for the amnesty and the pathway to citizenship that the amnesty provides.

The bill goes on to define “not . . . legally present” to include visa overstays—an “alien who has violated any conditions of his or her visa”—making sure that illegal alien visa overstays qualify for amnesty.

So if you were here legally on April 5, 2001, meaning you followed the rules, and you got a work visa to come here, you will not get any benefits from this amnesty. If you had a visa in 2001, but it expired before April 5, and you, therefore, followed the law and left the United States before April 5, you will not get the benefit of this amnesty. This amnesty benefits you only if you did not leave the United States, as the visa required, and you stayed here illegally or you came here illegally.

Another loophole, No. 9, deals with this guest worker concept. The bill’s future flow “guest worker” program in title IV of the legislation leaves no illegal alien behind. It is not limited to the people outside the United States who want to come here to work in the future, but includes illegal aliens currently present in the United States who do not qualify for the amnesty

programs in title VI, including aliens here for less than 2 years.

Now, we are told if you have been here for less than 2 years—you came since we started talking about this legislation in 2004—that you do not qualify for the benefits of the program, and have to go home. That has been part of the mantra. You have heard that debate: If you have been here for less than 2 years—and the reason for that is, We are giving notice to people around the world who might want to come here: Don’t rush into our country while we are considering this amnesty, to take advantage of it, because if you come in after we started discussing it, then you are not going to get the benefits of it—a fairly legitimate approach to things, I would suggest. And we are told the legislation does that. But it does not do that, I have to tell you.

Under the language, you can qualify for the new H-2C program to work as a low-skilled, permanent immigrant even if you are unlawfully present in the United States today. The bill specifically says:

In determining the alien’s admissibility as an H-2C nonimmigrant . . . paragraphs (5), (6)(A), 7, (9)(B), and (9)(C) of section 212(a) may be waived for conduct that occurred before the effective date. . . .

By waiving these grounds of inadmissibility, the new H-2C program is specifically intended, I submit, to apply to, No. 1, absconders—those are people who were apprehended, ordered to leave the country or ordered to come to court, and they have skipped and did not leave and did not come to court; 400,000 of those we are trying to find this very day to deport them to enforce the law—No. 2, it applies to illegal aliens who were in removal proceedings and signed a voluntary departure agreement but violated that agreement and did not leave, and, No. 3, it applies illegal aliens who were already removed from the United States but who illegally reentered.

The bill covers everybody. No illegal alien will be left behind. No illegal alien will have to go home—not this 2-year group, as has been said. So once again, the rhetoric about the legislation does not match the reality.

Loophole No. 10: The annual numerical cap on this program is completely artificial. The bill’s sponsors say that the new H-2C guest worker program is limited to 325,000 people and their families per year.

However, the cap has a built-in automatic escalator. If the 325,000 limit per year—the cap on the number who can come here legally—is reached, the cap automatically adjusts itself to make more room, by adding an additional 20 percent, which is 65,000 more visas the first year. So if somewhere in the year the cap limits are being met by people who want to come here, that very year the cap goes up by 20 percent. And then, the next year, automatically the cap will not be 325,000, it will be that number increased by 20-percent. And if that cap number is met, it goes up that

year 20 percent. And the next year, that additional 20-percent increase will be the cap.

It is an utterly escalating cap, without any thought whatsoever as to how many people this country needs in our workplace or otherwise in the Nation. They can be readily assimilated and made a part of this glorious and wonderful country. What kind of language is that?

We calculate if this cap is reached each year, the number of people allowed under this one program to enter this country legally, 10 years from passage—hold your hat—would be 2,012,314. I am not kidding. That is an automatic provision in the act. We have given no thought, no serious evaluation, whatsoever, to how many people ought to be brought into this country.

And even if the cap never increases and stays at the 325,000 per year, we will have a minimum of 1,950,000—almost 2 million—low-skilled workers who are permanent immigrants in the first 6 years of the program, which is the length of an H-2C visa if the individual does not file for a green card.

In 10 years, we will have immigrated 3,250,000 low-skilled workers and their families. Understand, each and every one of these 3 million people who would enter under this provision alone—and there are others where the impact is large—all of these workers will be eligible for green cards.

What does that mean? A green card means you are a permanent resident. They say these are temporary workers and guest workers. Within the first year, they can obtain a green card if their employer requests it. After 4 years, if their employer doesn't and they don't have an employer, they can self-petition for a green card. This is a big change in our policy since immigrants under this provision were supposed to be workers and it allows them to petition for a greencard even though they are not working for anybody. They can self-petition under this bill. That is a big change. This is pretty thunderous in its impact.

Loophole No. 11, a new H-2C guest worker does not have to prove they are essential to the economy to come to the United States or to stay or to apply for a green card once they are here. Nothing about the H-2C "temporary guest worker program" is temporary. They can say it is temporary until they are blue in the face, and it is just not so. That is why we need to be talking about this legislation. To be eligible for an H-2C visa, an alien merely has to establish that they are "capable of performing the labor or services" they have an intent to perform in the United States. So page 250 of the bill only makes them prove they are capable of performing a labor they have an intent to perform when they come here, and they have received a job offer from an employer who has complied with the requirements.

To stay in the United States once they enter, the H-2C holder simply can-

not be "unemployed for 60 or more consecutive days." If they are unemployed for that period of time, they are supposed to leave. Such a requirement, of course, is absolutely and utterly unenforceable. Who is going to be checking on this? They will say: It is not enforceable. If a guest worker is out of work for 60 days, 2 months, it is obvious that the economy does not depend on them. The fact that H-2C status only terminates after 60 consecutive days of unemployment means an alien is still essential to the economy and able to stay in the United States if they are working for as little as 1 or 2 days every 2 months. That is what it means. If somebody has to try to enforce this law, that is the kind of thing they would be dealing with when they go to court.

More importantly, no Government entity is going to spend their time searching over the country to determine if aliens have been out of work for 55 or 65 consecutive days, because the bill allows the alien worker to move from employer to employer and then, as noted on page 263, specifically exempts employers from having to notify the Department of Homeland Security when the alien is fired or voluntarily quits. This will ensure that the Government will never have the information it needs to enforce the 60-day requirement. Employers are not required to notify. If they bring in somebody, they certify they need them to work, they have them work for 6 months, they no longer need them and lay them off, there is no requirement that they notify the Department of Homeland Security or Labor or Commerce that they are no longer needed.

The bill contains, more importantly, no economic trigger enabling us to send workers home when the economy dips. This has been a matter of some dispute. I hear it asked by Senators. I have been asked several times. Some have stated publicly to the contrary. We have read the bill. This is what the bill says about the economy. What if we go into a recession and have brought in these 3 million workers. Now we have 40 million workers in the next 3 or 4 years, 5 years, 8 years, and we go into a recession. They are temporary workers. What is the deal? They go home? Do we not use those workers? We don't need them any longer and they have to go home? No, there is no trigger that reduces the number of workers here if the economy goes into recession. It is not in this legislation. There is an automatic increase every year, as I noted, if the applicants reach that level. It can go up to as much as 3 million a year, but there is no way to reduce it unless we pass a bill in Congress.

More importantly, once the H-2C worker is in the United States, they will be here permanently. On day one, when the alien begins to work in the United States, their employer can sponsor them for a green card. If they come here under this program, the em-

ployer can sponsor them for a green card that first day. That means 5 years later, they can be a citizen entitled to all the benefits. As a green card holder, they are entitled to bring their wife and children immediately. Five years later, they can become a citizen. Five years later, the wife can become a citizen. Do you know what the wife can do then? She can bring her children in as a green card holder. He can bring in his brothers and sisters, and she can bring in her brothers and sisters, once they become a citizen under the chain migration rules. It has tremendous implications for us.

Those are matters that are very important. I have a couple more points. I see my distinguished colleague from West Virginia. I think I can wrap up in about 3 or 4 minutes, if that is OK with him.

I would also say, I am honored to have worked with Senator BYRD, the senior Senator from West Virginia, former Democratic leader and majority leader of the Senate, on a realistic approach to immigration. I asked, are we able to enforce our borders, are we able to do things together. We had Senator BEN NELSON of Nebraska, Senator BYRD of West Virginia, both Democrats. We worked together. We presented some very good proposals. Not enough of them have been accepted and made part of this legislation, unfortunately. But there is a genuine bipartisan concern here that we are moving too fast and getting the cart before the horse in a lot of different ways.

Loophole No. 12, a work requirement for a blue card can be satisfied in a matter of hours, under the AgJOBS portion that was added in committee with about 30 minutes of debate. Under the AgJOBS component of this substitute bill, illegal alien agricultural workers who worked 150 workdays in agriculture over the last 2 years will receive a blue card allowing them to live and work permanently in the United States. Let's get that straight. We keep talking about the guest worker program, the seasonal worker program. Why we don't have that in the bill, I can't understand. Almost every provision puts people on the route to permanent citizenship.

So under the AgJOBS portion that was adopted in committee without debate, agricultural workers who have worked 150 workdays—that is not a full day—over the last 2 years, less than half time, will receive a blue card, and that will allow them to live and work permanently in the United States. However, because current law defines an agricultural workday as 1 hour of work per day—that definition is reinstated in the bill on page 397—an alien who has worked for as little as 150 hours in agriculture over the last 2 years will qualify for a blue card.

Loophole No. 13: Once an illegal alien worker receives a blue card, the blue card never expires. Blue cards, the new category of cards given to aliens who are amnestied under the AgJOBS provision of this bill,

never expire. The blue card holder can choose to pursue a green card, legal permanent resident status, by working for more hours in agriculture, but that is not a requirement to stay in the United States.

Page 399 specifically states:

An alien in blue card status shall be provided an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

This means that once the illegal alien has a blue card, he or she can live in the United States and work in any job permanently. They can adjust to a green card status and move on the path of citizenship, bringing in their aging parents and have them receive the great benefits of health care in America.

Loophole No. 14, free legal counsel: The AgJOBS amendment goes as far as to provide free legal counsel to illegal aliens who want to receive amnesty, page 421. In a paragraph entitled "eligibility for legal services," the bill lays out that recipients of funds under the Legal Services Corporation Act can "provide legal assistance directly related to an application for adjustment of status under this section." So not only will AgJOBS give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bills for filling out the applications of those 1 million illegal aliens.

Finally, I will mention loophole No. 15. There are a lot of other provisions that concern me. I will only mention 15. It deals with the DREAM Act. The bill makes in-State tuition and other higher education benefits available to illegal aliens. Current law, some years ago, was passed to deal with a perceived abuse in the system.

So the current law that is in effect today says:

[A]n alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any posteducation benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act portion of this bill, page 503 through 520, eliminates this provision and will allow a benefit to those who came here illegally even when all United States citizens are not afforded those same privileges. The bill goes further making other types of higher education assistance available through the illegal aliens that receive amnesty under the bill, student loans, Federal work study programs and Federal services to access this assistance.

One of the first things you want to do if you want to reduce illegal immigration is not provide benefits to people who come illegally. How much more commonsensical can it get than that? You don't provide inducements, generous social benefits that we would like to provide to more people in the country but can't, to people who come here illegally. That does not make sense and it is not a principled position.

I will conclude by saying, I urge my colleagues, with the greatest sincerity, to look at this legislation and to think about these loopholes I have mentioned. While they are very real and evidence an intent by whoever drafted the legislation to go far beyond what they are publicly saying the bill does, read it carefully and make sure that you feel comfortable supporting it. When amendments come up, we will fix some of these things, although there will not be sufficient time in the debate or sufficient amendments allowed to fix all the problems. They need to vote for those amendments to make the bill better. More importantly, we have continued to study the legislation. My concerns have deepened that we have an unprincipled, not well thought out policy for future immigration that increases legal immigration to an extraordinary degree, far beyond what those people think is part of this legislation.

It is permanent and it allows those who are outside our Nation to decide when they come. It is similar to an entitlement. If you are a veteran, you walk up and you get your entitled benefit. If 10 times as many people showed up for that benefit as we expected, all of them get that benefit—American citizens, veterans. That is an entitlement.

In this legislation, we basically create an entitlement to let people who are noncitizens of the country decide how many are going to come in, without this Nation making those decisions. Canada has a point system. They limit immigration, and they review it based on what their needs are. The more the immigrant has qualities and education and training that meet what they need, the better chance they have of entering. If you don't have qualifications and abilities that are relevant to Canada's needs, you don't get in. Our bill does none of that. I urge my colleagues to be more focused on the actual wording of the legislation.

I thank the Senator from West Virginia for showing leadership and recognizing that we need to do better in this legislation on immigration.

I suspect that the Senator from West Virginia might talk about Mother's Day. I have had the honor to be in the chair—and I see Senator ISAKSON—when Senator BYRD in previous years has spoken about his mother on Mother's Day. I think we are all in for a treat.

I yield the floor.

MOTHER'S DAY

Mr. BYRD. Mr. President, I thank my distinguished and able friend from Alabama. I thank him for his reference to Mother's Day. I do indeed have some remarks that I want to make in reference to Mother's Day.

Mr. President, the irises are blooming, their beauty as refined as a Japanese print. Roses are spilling their sweet perfume into the air. A bountiful

harvest of sweet, red strawberries is making its way into pies and shortcakes. The phones are busy at the florists around the country. The signs are clear that this coming Sunday the Nation will again observe the annual celebration of that great day, Mother's Day. Mother's Day is beloved by florists, by candy makers, by greeting card producers, by phone companies, and by restaurants, for it is a busy day indeed for them. But the day is also beloved by mothers, for it is on this one day, more than any other day, that they receive credit for their favorite and most important job. This coming Sunday, mothers will be showered with affection, waited upon, called upon, and honored. They deserve all of it, every bit of it.

It is the little things that count
And give a mother pleasure—
The things her children bring to her
Which they so richly treasure . . .
The picture that is smudged a bit
With tiny fingerprints,
The colored rock, the lightning bugs,
The sticky peppermints;
The ragged, bright bouquet of flowers
A child brings, roots and all—
These things delight a mother's heart
Although they seem quite small.
A mother can see beauty
In the very smallest thing
For there's a little bit of heaven
In a small child's offering.

A mother stays with you throughout your life. Her words and her actions resonate. Yes, we can hear her voice echoing across time when we repeat to our children the lessons that mother taught us: "Sit up straight," "use your napkin," "stop fidgeting and pay attention," "Do you remember? She said those things to us. "Say thank you," and "if everyone else jumped off a cliff, would you jump, too?"

Every mother molds and shapes her children in ways large and small, from lessons as important as treating others with thoughtfulness and courtesy to tasks as small as how to fold laundry. Years later, as we teach our own children to fold laundry, we might smile to recall that it was our mother—your mother—who taught us how to fold a shirt in a particular way. It is also probable that she was teaching you to fold it in the same way her mother had taught her—that is the way it is, you know—just as her mother taught her courtesy and just as she taught you. Those gentle hands carried the ingrained lessons of many generations, lessons honed and reinforced over many generations.

On Mother's Day, when we honor mothers all across the Nation, we also honor grandmothers and great-grandmothers, whether or not we were fortunate enough to have known them in life. "Children and mothers never truly part, bound in the beating of each other's heart." So wrote Charlotte Gray, and her words speak to the heritable nature of a mother's love. A mother's love. It passes through the generations like our own DNA.

Mothers also model efficiency. Mothers were the earliest adopters of