

rolled up their sleeves and got to work. And they put together a bill that represented the best chance we had of getting to our goal.

But it touched a nerve, and the shock of it shot right through the Senate. It lit up the switchboards here for weeks, and ignited a debate that strained our normal alliances here and at home in our States.

I heard from a lot of Kentuckians. Thousands of smart, well-informed people called my offices to talk about this bill. They did not like the idea of someone being rewarded for a crime, or the impact that this would have on a society whose first rule is the rule of law. They did not trust the Government to suddenly get serious about border control after neglecting it for 2 decades. And I do not blame them. I worried about all that too. And to every one of them, I say today: Your voice was heard.

A lot of good people came to my office. They argued for positions as diverse as the country itself. They explained their views patiently and with passion. I want to thank them too for informing my thinking and for helping to shape this extraordinary debate.

My goal from the start has been to move the conference forward, to facilitate debate, to ensure that the minority's voice was heard to the maximum extent possible. I had hoped there would be a way forward. And as the divisions between supporters and opponents widened, the only way forward, to my mind, was to ensure a fair process. This was the only way to be sure we could improve the status quo, which all of us agreed was indefensible. If every voice was heard, we could be confident our votes reflected the best this body could do.

I had hoped for a bipartisan accomplishment, and what we got was a bipartisan defeat. The American people made their voices heard, the Senate worked its will, and in the end it was clear that the bill that was crafted did not have the support of the people of Kentucky, it did not have the support of most Americans, it did not have the support of my conference, and it did not have enough support in the Democratic conference, a third of which opposed it.

This is not a day to celebrate. We do not celebrate when a pressing issue stays unresolved. But we can be confident that we will find a solution to the problems that we have tried to address here. Many people have made great personal sacrifices to work on a solution to our broken immigration system. A lot of them exposed themselves to ridicule and contempt.

And so we can say with pride that the failure of this bill was not a failure of will or hard work or good intentions. Martin Luther King once said that "human progress never rolls in on wheels of inevitability; it comes through the tireless efforts of men." And we can be sure that many good people will step forward again to offer

their intelligence, understanding, and their "tireless efforts" when the time comes to face this issue again.

That time was not now. It was not the people's will. And they were heard.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT THOMAS W. CLEMONS

Mr. McCONNELL. Mr. President, I rise today to honor the life of a heroic soldier and a fellow Kentuckian, SSG Thomas W. Clemons. SSG Clemons, born in Leitchfield, KY, proudly served in the Kentucky Army National Guard from August 2000 until December 11, 2006, when he tragically lost his life while on his second tour of duty near Diwaniyah, Iraq. He was 37 years old.

Staff Sergeant Clemons earned numerous awards and medals throughout his military career, including the Bronze Star Medal. A decorated soldier, he will be remembered by those who knew him as a loving son and brother, a caring husband, a devoted father, a loyal friend and an avid University of Kentucky Wildcats fan.

A true family man, Thomas cherished time with his wife, Sheila, his sons Tony and Ryan and his stepdaughters Brittany and Amber. He was known for saying that of all the blessings God had bestowed upon him, his family was the greatest.

Like most soldiers, Thomas felt that being away from that family was the hardest part of serving his country. But rather than focus on himself, he sought to alleviate the loneliness of others. As a father to two teenage boys, Staff Sergeant Clemons recognized the difficulty that long periods away from home created for the youngest soldiers in particular.

He "tried to be a daddy to everyone over there, especially the young ones," says Thomas's mother, Patricia Frank. And along with the comfort and nurturing Staff Sergeant Clemons gave to his troops, he provided an equal amount of discipline and professionalism.

Clemons's company commander, CPT Ronald Ballard, said, "Thomas was the type of leader who delivered a one-two punch. First, he gave his guidance and standards, and then he led by example."

Captain Ballard went on to add that Thomas "understood he would not always be here to lead his soldiers—that he had to get them ready to fill his boots."

On one particularly tortuous day in Iraq, Staff Sergeant Clemons phoned his parents in Kentucky. One of his men had just died. Like any mother would, Patricia gently reminded her son that family was what was important, and that his family was alive and well—to which Thomas replied, "Over here, everyone is my family."

Thomas embraced his duties as a Guardsman without hesitation. Before his departure to Iraq, he told several friends and family members, "a few lives for a million—that's worth it."

Staff Sergeant Clemons was assigned to the 2nd Battalion, 123rd Armor Regiment in the Kentucky Guard. After serving his first year-long tour of duty, he volunteered for a second, and was redeployed to Iraq in March 2006.

His friend and fellow soldier SP Joshua White said that when he asked Thomas why he offered to go back to Iraq, Thomas replied sincerely, "I cannot sit back on my couch and watch one of my soldiers' names come across that screen and live with myself."

Thomas's unit provided force protection and ran security missions for the Army. "He was honored to be a soldier," Patricia says. "That's what he wanted, and that's what he was."

Staff Sergeant Clemons's funeral service was held in December 2006 in the small Kentucky town of Caneyville, close to Leitchfield in Grayson County. So many people came to pay their respects to Thomas and his family that the funeral home could not hold them all. Many of Thomas's friends told Patricia after the service that "he helped me by just talking to me."

Staff Sergeant Clemons was a man people wanted to know, and he is mourned and missed by his beloved family and friends who had the honor to know him.

He is loved and remembered by his wife, Sheila, his mother and stepfather, Patricia and Jimmie Frank, his sons, Tony and Ryan, his stepdaughters, Brittany and Amber, his brothers, Tim Clemons, Chad Clemons and Shannon Frank, his sisters, Julie Johnson, Michelle Mudd and Pamela Bowling, and many others.

Staff Sergeant Clemons was the type of man who, when asked by a local volunteer group if they could send him anything while he was serving abroad, replied, "pencils, for the little kids in Iraq." He was the type to volunteer his free time to serve as a youth basketball and baseball coach back home in Kentucky.

He was the family man who cherished time with his children, the friend with a shoulder to lean on and the soldier who was willing to sacrifice his life "to save a million," even a million people he had never met.

And so although neither I nor my colleagues had the pleasure of meeting him, I stand here today to say this Senate honors and salutes SSG Thomas W. Clemons for his service. We will hold his family in our thoughts and prayers. And the citizens of Kentucky and this grateful nation will always remember his sacrifice.

#### CHANGE OF VOTE

Mr. LUGAR. Mr. President, on roll-call vote No. 231, I voted "nay." It was my intention to vote "aye."

I ask unanimous consent that I be recorded as an "aye." This would not affect the outcome of the vote.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### IMMIGRATION

Mr. DURBIN. This was an historic day in the Senate. I was up after the vote on immigration with Senator KENNEDY. We had a little press conference to talk about what happened. We needed 60 votes to move the immigration bill forward, for more amendments, to final passage.

When the roll call was taken, there were 46 votes; it was far short of what was needed. The average person might ask: "Why would it take 60 votes to pass something in the Senate? I thought it was by majority vote." Well, not in the Senate, it is not. If it is a complicated issue, and many are, it takes 60 votes. It is just the nature of this place, the reason why the Senate was created. It is the reason why a Senator from a State such as Rhode Island would represent his State, along with one other Senator, and a Senator from a State such as Illinois would have two Senators. It is the nature of the Senate.

It is a guarantee that the minority always has protection and a voice in this political process. It leads to a lot of frustrations, as you can imagine, because bringing together 51 Senators ready to act and to solve a problem is not enough; around here, it never has been. And it leads to a lot of criticism from the outside about how we spend so much time talking and so little time doing. People look at us and say: "You know, how many years have you all been giving speeches about health care in America? When are you going to do something about it?" Well, the honest answer is, that is good criticism. We have not come up with a plan, nor have we had the political will to move a plan, and if we did, it would face its biggest hurdle probably right here on the floor of the Senate. This is the place where things slow down. George Washington said of the Senate: "This is the saucer that cools the tea."

I was lucky to serve in the House for 14 years. It is a great place. I loved it. I loved all of the people I worked with. We ran every 2 years. You had to be in touch with the folks in your district on a regular, constant basis. You reacted pretty quickly as things came along. Bills passed, resolutions passed, you would sit there and shake your head and say: "All of the things we do just seem to die in the Senate." Well, it is the nature of the process. It is a narrowing between the two Chambers that makes it difficult to move things through.

Well, today was a classic example. We know—everyone knows—the immigration system in America has failed. It has just plain failed. In 1986, the last time we addressed this issue, 21 years ago, President Reagan suggested an amnesty for those who were here illegally and that we do things to stop more from coming. It did not work. The amnesty was given; the enforcement did not take place. On average, about 800,000 new illegals came into the United States each year for 21 years; 600,000 stayed.

We have a rough estimate that about 12 million undocumented and illegal people are here today. What are we going to do about it? Well, first and obviously, stop illegals from coming into the United States. It won't be easy. Look at the risks people are willing to take to come to our country—walking across a desert knowing your life may be at stake, paying someone thousands of dollars to put you in the back of a truck where you might be asphyxiated, jumping on a railroad train where you could lose your life or a limb, just to get right here in our country. It is that desire to come to America that has been around for so long, and it is still there, and it will always be there.

But we know there are things we could do to make this border of ours better. We talked about things, sensible things—not a 2,000-mile wall or anything like that, but placing walls where they will help, placing fences where they will help, traffic barriers, new technology, more border enforcement, training, trying to reach cooperative agreements with the Mexicans and others—to slow illegal border crossings down. All of those things represent a positive step forward. We committed \$4 billion to that effort. It should be done.

Then the workplace—that is what brings people here. Anyone who comes to America and thinks they can just park themselves and wait for a comfortable life is wrong. They come to work. The jobs that immigrants take, they are jobs that most of us do not want. If you went to a restaurant in the great city of Chicago, which I am honored to represent today, and you took a look around at who took the plates off your table, my guess is many of them may be undocumented people. You don't see the folks back in the kitchen washing those dishes or those on the loading dock or perhaps tonight the ones who will clean the bathrooms—likely to be, many of them, undocumented people who are here doing those jobs every single day. They made your bed in the hotel room after you left; they were with your mom in the nursing home bringing her water and changing her sheets; they are the people who, incidentally, make sure they trim the greens for you so this weekend they will look picture perfect. Those are the folks out there every single day. They are in the packing houses, like the place where I used to work in college. That is no glamorous

job. They took it because no one else wants it. It is difficult, it is dirty, it is hot, it is a sweaty, nasty job, and they take it because they get paid to do it.

Most of them, when they get the paycheck, send half of it back home. There are many parts of Central America and South America which subsist because of the transfer payments from people working in America who are illegal, sending their checks back home to their families. These workers live in the barest of circumstances and try to get by in the hopes that some day, they will be Americans; some day, they will have family with kids who have a much better chance.

Their story is our story. It is a story of this Nation from its beginning. Today, we had a chance to address this problem, to deal with 12 million who are undocumented, to deal with border enforcement, workplace enforcement, and to talk about how many more people we need each year.

We cannot open our borders to everyone who wants to come to America. We cannot physically do it. It would not be good for our Nation, for those who are here, or for our economy. But there are some we need.

As a Congressman who represents downstate Illinois, there were times when I desperately begged foreign physicians to come to small towns. These towns did not have a doctor. They were going to lose their hospitals. Doctors came from India, from Pakistan, other places, from the Philippines, and they were greeted with cheer by people who had never been to their countries or knew anything about their land of origin. They came to the rescue. They opened that doctor's office. Many of the people in those small towns I represent in Illinois could not even pronounce that doctor's last name. He was "Dr. K," they would say, "I just don't know how to pronounce his name. I am glad he is here. Mom is feeling better, and we are glad he is here if we ever need him."

So we bring in folks each year, and we try in this bill to define how many we are going to need. Well, you know what happened once debate started, Mr. President. There is a sentiment in America which is as historic as our country. I say jokingly, because I have no way of knowing, that in 1911, when my mother came off the boat in Baltimore, having arrived as a 2-year-old little girl from Lithuania, and came down that ramp with my grandmother and her brother and sister, I am sure there were people looking up at this group coming in, saying: Please, not more of those people.

That has been the nature of America. We know we are almost all immigrants or the descendants of immigrants. Yet there is a resistance that is built into our country to more coming in: They are different, there may be too many of them, they may threaten our jobs—all of those things. And we saw that sentiment, not on the floor of the Senate or the House, but certainly we heard it on