and toughen those penalties. I hope TV becomes smarter, becomes more engaging. That is a task not for us but for the people who make TV. Our job as legislators is to protect those basic standards of decency.

LITTLE BOY BLUE

Mr. FRIST. Mr. President, briefly on another issue, just because each day we are bombarded with so much bad news, disappointing news, news that makes you want to put the newspaper down or turn off the television, I want to share with my colleagues a piece of good news, heartwarming news, news that is reflective of the compassion that we as an American people have, that we have the opportunity to express at times, and this particular incident, I believe, represents it quite concretely. It is about a very special 7-year-old boy from Afghanistan.

His name is Mohammad Omar. He suffers from a congenital anomaly, a birth defect that is not all that rare but we didn't know how to treat until the beginning of the 1940s, 1950s, when the research was initially done. Before that, it had a 100-percent mortality rate. As you will tell from the outcome of the story, surgery has changed that.

His defect is called tetralogy of Fallot. Tetralogy means there are four things—It doesn't matter what they are—but it is a hole between two chambers of the heart; a ventricular septal defect it is called. The second is an outflow tract obstruction from the right ventricle to the lungs, and therefore the obstruction there means the blood does not get up through the lungs. There is an overriding VSD and then there is some right ventricular hypertrophy—the right side of the heart is big and very muscular.

Mr. REID. Mr. President, will the Senator yield? Would you like me to help explain some of that for you?

Mr. FRIST. That is three of the four tetralogies. I know my colleague knows the fourth is that right ventricular hypertrophy. I would be happy to yield to the Democratic leader.

Mr. REID. I have forgotten quite a bit about that, so maybe you should go ahead and explain it.

Mr. FRIST. I will be brief. But what is fascinating is that with science and with the great progress that is made, today it can be cured, where before it couldn't. What is interesting about the overall story is that Mohammed's father, Fateh, about a year ago—this is over in Afghanistan—brought his son to an American military hospital, reaching out, not knowing where to go. The province is the Khowst Province. He happened to run across my colleagues, or colleagues in the military, who are cardiologists, who are heart specialists. And looking at the blue appearance—because you don't get this oxygen flow through the heart, blood through the right side of the heart—they said it was probably tetralogy of Fallot.

With a few tests they made the diagnosis and they petitioned Mohammed to come to the States for treatment, but the visa applications by Mohammed and his dad, Fateh, were initially denied. But somewhere out there was a little angel looking out, and sure enough they ran into a fellow who happened to be a student of mine back at Vanderbilt, Dr. Sloane Guy, whom I hadn't seen for a while, and I was with him at a time when he was looking to the future, didn't know where he was going, whether it was heart medicine, cardiology, heart surgery. He was on active duty in Afghanistan.

He called me and said: Isn't there anything that we can do? So, working together, I—and this is really compassion, reaching out, going beyond what a lot of people usually do—but working with the State Department, again reaching out, the Department of Defense, we were able to get approval for young Mohammed to come here and, indeed, on Tuesday, just 3 days ago, they arrived at Andrews Air Force Base.

Yesterday morning, Mohammed underwent surgery at the Children's National Medical Center. Straightforward surgery, it would be described by Dr. Jonas, Richard Jonas, who is a renowned cardiac surgeon, fellow cardiac surgeon, but does the surgery over at Children's National Medical Center—fairly routine surgery, although it was pretty complex surgery in truth, repairing the hole between the ventricles—the right outflow obstruction—and hooking things back up so they flow normally. Right now the young boy is still in the intensive care unit. That is the normal course, but he is recuperating nicely. You never want to predict the long-term outcome because in the first 5 or 6 days anything can happen.

But my point is, that is the kind of story you don't hear. It took a lot of people reaching out, coming together, the best of the public sector, the best of the private sector, the best of the generosity of doctors, the compassion of individuals in Afghanistan who made the initial diagnosis coming together with the result that just a few miles from here is unfolding.

Larry King, whom you know, although sometimes we are here after he is on at night, many of us turn him on at night, just about every night—the Larry King Cardiac Foundation provided much of the financial support to bring him here. The Afghan Embassy, right now, is providing support for the family and support with interpreters and food and the like. Dr. Jonas and his cardiac surgical team, including the people who run the part of the pulmonary bypass machine, and all the technicians there who contributed their time, the great resource of the Children's National Medical Center, which is right here—everybody came together to make this story possible.

To me, this reflects the stories that never get told. But it also shows how humanitarian outreach can be used as a currency for peace. It is built around trust. It is built around outreach. It is built around selflessness and going beyond faces that you see every day; everybody working towards a common goal.

So I just wanted to take the opportunity to tell that very brief story. I do wish Mohammed a speedy recovery and wish his dad the very best. While waiting in Afghanistan, not knowing whether or not this lifesaving surgery—without surgery he would die—without knowing whether this lifesaving surgery would be provided by people in a country they had no idea even existed, in terms of the people, he became known as the little blue boy; Little Boy Blue, I guess, is what they called him because of that blue appearance.

So it will be a great story because that blue appearance, Little Boy Blue no longer will be Little Boy Blue. He will be a healthy young child with a normal lifespan thereafter.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

Ensign/Graham modified amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.

Chambliss/Isakson amendment No. 4009, to modify the wage requirements for employers seeking to hire H–2A and blue card agricultural workers.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, while the majority leader and the Democratic leader are still in the Chamber, I wish to express my gratitude to each of them, as well as the managers of the comprehensive immigration reform bill that is in the Chamber and that we have been debating this week, for the progress we have made. I think it has been in the greatest traditions of the Senate that we have taken a controversial subject where debate that has been long overdue and we have had an open and honest and vigorous debate on many important amendments that have helped improve the bill, from my perspective. But this is the Senate at its best. While we know we will not always agree with one another, there is one place on the face of the planet

where we have the freedom, we have the opportunity to have debates and try to build consensus.

I know there are some—and I was just on a talk show moments before I came to the floor, and the person hosting that had expressed some frustration about what has been going on here, and I encouraged him to think of this according to the old adage that watching legislation being made is somehow like watching sausage being made.

Parenthetically, I note sometimes that we maybe give sausage-making a bad name, but in all sincerity the important thing is that we are having the debate, we are having votes, and majorities are ruling. I do not necessarily always like the outcome of those votes. Sometimes I do. But the fact is that we are having votes and we are letting the process move forward. Hopefully we will have a comprehensive reform bill passed by the Senate, a bill we can be proud of and will then be sent to the President's desk for consideration and possible signature. My hope is we will continue to have this process move forward and have an opportunity to call up additional amendments.

I wanted to speak briefly about an amendment I intend to offer not today but at a later time. I have previously spoken about this issue.

The compromise bill that is currently in the Chamber contains language that prohibits information sharing and restricts how the Department of Homeland Security may use information submitted in applications. The text in the underlying bill is exactly the same as that contained in the 1986 amnesty legislation. Twenty years ago now, we know from hindsight and experience, those provisions led to hundreds of thousands of ineligible aliens receiving green cards. The amendment I intend to offer does not eliminate the confidentiality provisions. It does, however, state that once an individual's application is denied, there is no longer a need for confidentiality, and that information may be shared with law enforcement personnel, that may be necessary to investigate fraud and bring others to justice.

The underlying bill says that information furnished by an applicant can only be used to make a determination on that specific application. The information may also be used in connection with a criminal investigation or prosecution. But if the Department of Homeland Security identifies a pattern of fraud, it would be prohibited from using that information in one fraudulent application to deny another application that was submitted as part of a criminal conspiracy. The same restrictions were included in the 1986 legislation program, and that caused widespread fraud and abuse. There is no reason to treat legalization applications any differently from any other immigration application submitted to the Department of Homeland Security.

The New York Times described the 1986 agricultural worker amnesty as ''One of the most extensive immigration frauds ever perpetrated against the United States Government.'' Although the estimated size of the illegal alien population engaged in agricultural work in the 1980s was only about 300,000 to 400,000 out of a total agricultural workforce of 2.5 million, 1.3 million aliens were amnestied under the program.

Let me make sure that is clear. Although the estimated size of the illegal alien population engaged in agricultural work in the 1980s was only 300,000 to 400,000, 1.3 million aliens were amnestied under that program.

The confidentiality provisions of the 1986 act were credited with causing the widespread fraud and abuse. In 1999, the General Counsel during the Clinton administration testified before the House that ''the confidentiality restrictions of the law in the 1986 amnesty also prevented the Immigration and Naturalization Service from pursuing cases of possible fraud detected during the application process.''

In 1995, a man by the name of Jose Velez, the ex-president of LULAC, was found guilty of immigration fraud after he filed fraudulent applications under the 1986 amnesty. The task force that brought down that particular conspiracy resulted in guilty pleas or convictions of 20 individuals who together were responsible for filing false legalization applications for in excess of an estimated 11,000 unqualified aliens. In other words, 20 people pled guilty to falsified legalization applications for in excess of 11,000 unqualified aliens.

Between March of 1988 and January 1991, Velez and his coconspirators submitted approximately 3,000 fraudulent applications. In connection with the 1986 legalization program, there were 920 arrests, 822 indictments, 513 convictions for fraud and related criminal activity.

(Mr. ISAKSON assumed the Chair.)

Mr. CORNYN. This is not about history. This is about what is also happening even today. I am reminded of the report of the 9/11 Commission and the studies and investigations we conducted after 9/11 which indicated a consensus that we had to bring down some of the stovepipes that prohibited information sharing in our intelligence community. Essentially this amendment is designed to bring down the stovepipes that have prohibited the Department of Homeland Security from sharing information that would lead to discovery of evidence of massive fraud in our immigration system. I hope that when the amendment is called up, when we have a chance to vote on it, my colleagues will support it.

But again, this is not just about history. This is about what is happening today. I have in front of me a news release dated May 19, 2006, from the U.S. Immigration and Customs Enforcement Agency entitled ''Six People Indicted in Multi-State Amnesty Fraud Conspiracy.''

This is out of Atlanta, GA, which may be of particular interest to the Presiding Officer. Several individuals—it looks like six individuals were indicted by a Federal grand jury on May 9, 2006, on charges of conspiracy to encourage and induce aliens to reside unlawfully in the United States and to make false statements in applications presented to the Department of Homeland Security. They were charged in separate counts for making false statements in applications presented to the Department of Homeland Security, and also there were two counts of money laundering.

The U.S. attorney in charge described this conspiracy in these words:

> The six individuals indicted in this conspiracy were involved in a multi-state scheme to solicit immigrants who were illegally present in the United States to file fraudulent applications for amnesty with the Department of Homeland Security. The defendants, as part of a money making scheme, allegedly assisted immigrants who did not meet legitimate amnesty program requirements to file applications containing false statements. This office—

The Office of the U.S. Attorney—

> is committed to vigorous investigation and prosecution of schemes such as this one as part of the President's initiative to strengthen enforcement of our Nation's immigration laws.

The U.S. attorney goes on to say:

> Not only did these individuals seek to exploit our legal immigration system for personal financial gain, they used their positions as religious leaders to prey upon the immigrant community.

That statement was attributed to Ken Smith, special agent in charge of the Office of Immigration and Custom Enforcement. That office is located in Atlanta. He goes on to say:

> This case highlights the importance of ICE's close partnership with other law enforcement agencies as we seek to dismantle criminal document and benefit fraud networks.

Mr. President, I will not read the rest of this news release, but I will ask unanimous consent that at the end of my remarks this document be made part of the RECORD.

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

(See exhibit 1.)

Mr. CORNYN. I thank the Chair.

So, Mr. President, we have had a productive week in the Senate dealing with the issue of comprehensive immigration reform. Each of us has perhaps won some and lost some in terms of the amendments we favored or disfavored, but I think it has been a good week for the Senate, a good week for the cause of securing our borders and restoring public respect for our laws. At the same time, as we continue to be a nation that does welcome legal immigration, one of the things that I will say that I hope we continue to focus on is what in our immigration system really is in America's best interest—recognizing that we can't simply open our borders to anyone and everyone who wants to come to the United States or we would be swamped by a veritable tsunami of humanity.

We should continue to be a welcoming country but one that respects not only our heritage as a nation of immigrants but also respects our heritage as a nation of laws. Indeed, at this time, we are trying to export that heritage as not only the Democratic country that respects democracy but one that respects the rule of law in places such as Afghanistan and Iraq, and so we need to tend to business here at home.

But as we continue to debate and discuss and hopefully pass laws that are in America's best interest and improve our system, we will look at exactly what type of legal immigration we should encourage. I would ask my colleagues to not only focus on the massive low-skilled immigration that is part of this underlying bill but also focus on those people who have special talents and special educational credentials and experience, highly skilled individuals whom we ought to encourage to come to this country and, if they want to become American citizens, provide them an opportunity to do so. When we look at the costs associated with the underlying bill, what we have learned is low-skilled, poorly educated individuals are more likely to be a financial burden on the American taxpayer than those who are highly skilled and highly educated. Indeed, those highly skilled and highly educated legal immigrants whom we ought to be encouraging to come to the United States and become part of this great country are people who are going to help America to continue to be competitive in the global marketplace. That includes, of course, foreign students who study at our universities.

I personally believe that when someone graduates with one of these important advance degrees in math, science, engineering, the very sorts of skills and talents which will make America competitive, we ought to give them preferential treatment when it comes to their application for legal permanent residency and putting them in line for American citizenship, if that is their wish.

I hope what is not lost in all of this debate about immigration reform is America's great heritage as a nation of immigrants, our heritage as a nation that believes in the rule of law. What that means to me is we ought to be encouraging legal immigration that is in the best interests of this Nation while discouraging and preventing illegal immigration by comprehensive border security, interior enforcement, worksite verification, and sanctions against employers who cheat, while we also create a legal immigration system to deal with the workforce needs and our prosperity in America going forward.

I yield the floor.

EXHIBIT 1

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
May 19, 2006.

NEWS RELEASE

SIX PEOPLE INDICTED IN MULTI-STATE AMNESTY FRAUD CONSPIRACY

ATLANTA, GA.—Emma Gerald, 54, of Kennesaw, Ruy Brasil Silva, 49, of Roswell, Marcos Amador, 19, of Atlanta, Denise Silva, 45, of Roswell, Douglas Ross, 29, of Marietta, and Hudson Araujo, 27, of Brockton, Massachusetts, were indicted by a federal grand jury on May 9, 2006, on charges of conspiracy to encourage and induce aliens to reside unlawfully in the United States and to make false statements in applications presented to the Department of Homeland Security (DHS). Emma Gerald, Ruy Brasil Silva, and Marcos Amador are charged in separate counts for making false statements in applications presented to DHS. Emma Gerald is also charged with two counts of money laundering.

Ross was arraigned today in Atlanta. Araujo was taken into custody by federal agents in Brockton, Massachusetts, and had his initial appearance in federal court in Boston today. Denise Silva is a fugitive being sought by federal law enforcement authorities. Gerald, Ruy Brasil Silva, and Amador were indicted on related charges on February 14, 2006. Gerald was released on a secured bond and Ruy Brasil Silva and Amador are in custody. Their arraignments on this indictment have not yet been scheduled.

United States Attorney David E. Nahmias said, ''The six individuals indicted in this conspiracy were involved in a multi-state scheme to solicit immigrants who were illegally present in the United States to file fraudulent applications for amnesty with the Department of Homeland Security. The defendants, as part of a moneymaking scheme, allegedly assisted immigrants who did not meet legitimate amnesty program requirements to file applications containing false statements. This office is committed to vigorous investigation and prosecution of schemes such as this one, as part of the President's initiative to strengthen enforcement of the Nation's immigration laws,''

''Not only did these individuals seek to exploit our legal immigration system for personal financial gain, they used their positions as religious leaders to prey upon the immigrant community,'' said Ken Smith, Special Agent-in-Charge of ICE's office of Investigations in Atlanta. ''The case highlights the importance of ICE's close partnerships with other law enforcement agencies as we seek to dismantle criminal document and benefit fraud networks.''

According to United States Attorney Nahmias, the charges and other information presented in court: Emma Gerald, the pastor of a local church, held herself out as a consultant to aliens seeking amnesty in the United States. Gerald did business under the name ''EJ Consulting Services.'' Under a program known as the ''Catholic Social Services/Lulac/Newman Amnesty Program'' (the ''CSS Amnesty Program''), certain aliens who were illegally in the United States were eligible to apply for temporary residence in this country. In order to be eligible, an alien had to meet certain requirements, including having been present in the United States unlawfully from prior to January 1982; and having previously applied for temporary residence but having been turned down because the alien left and re-entered the United States without the permission of the now-defunct Immigration and Naturalization Service (INS).

Gerald conducted meetings at Marietta churches to solicit aliens, largely Brazilian nationals who were illegally present in the United States, to apply for the CSS Amnesty Program. Ruy Brasil Silva was a pastor of one of the churches and made it available to Gerald for the meetings. Marcos Amador acted as a translator and assistant to Gerald. Gerald advised the Brazilian aliens that the Department of Homeland Security did not have records to establish whether an alien met the CSS Amnesty Program requirements as to length of residence in the United States or previous unsuccessful application for amnesty, so that they could apply even if they did not qualify. Over the course of the scheme, Gerald charged the aliens between $300 per person/$500 per married couple to approximately $600 per person/$1100 per married couple. For an extra fee, Gerald and Amador would provide the aliens with letters falsely stating that they met the program requirements as to length of residence and previous application for amnesty. Douglas Ross, Gerald's son, attended the meetings, assisting Gerald with preparing and collecting applications and collecting money from the aliens.

Gerald, Ruy Brasil Silva, Amador, Ross, and Denise Silva conducted similar meetings in Florida, collecting money from Brazilian aliens to assist them in filing fraudulent applications. Gerald, Ross, and Hudson Araujo conducted meetings in Brockton, Massachusetts.

The United States is seeking forfeiture of Gerald's Kennesaw, Georgia home and several vehicles, including Gerald's Mercedes-Benz automobile, on the grounds that they were purchased with proceeds of the criminal scheme or were used to facilitate the criminal activity. The United States is also seeking forfeiture of several bank and investment accounts, on the grounds that criminal proceeds were deposited into the accounts.

The indictment charges one count of conspiracy against all the defendants, one count of false statement against Gerald and Amador, one count of false statement against Gerald and Ruy Brasil Silva, and two counts of money laundering against Gerald. The conspiracy charge and false statement charges each carry a maximum sentence of 5 years in prison and a fine of up to $250,000. The money laundering charges each carry a maximum sentence of 10 years in prison and a fine of up to $250,000.

This case is being investigated by special agents of the Department of Homeland Security, U.S. Immigration and Customs Enforcement, and postal inspectors of the United States Postal Inspection Service.

Assistant United States Attorneys Teresa D. Hoyt and Jon-Peter Kelly are prosecuting the case.

Members of the public are reminded that the indictment contains only allegations. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

(The remarks of Mr. REED are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4038, AS MODIFIED

Mr. CORNYN. Mr. President, I ask unanimous consent that amendment No. 4038, previously agreed to, be modified to reflect a technical change in the instruction line of the amendment. The modification is at the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 4038), as modified, is as follows:

On page 264, strike lines 10 through 20.

On page 370, line 21, strike ''this subsection'' and insert ''paragraphs (2) and (3)''.

Mr. CORNYN. 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 rescinded.

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

Mr. SESSIONS. Mr. President, we have had some good debate this week on the immigration bill that is before the Senate. We made some progress toward improving the legislation. I think to some degree the good and decent and deeply felt views of the American people are beginning to be heard—but not clearly enough in this body. We still need to listen to them more.

I submit that on every single issue the American people have it right. We discussed last night and debated last night some key issues. I know one of the supporters of the bill described this as a difficult issue, complicated, emotional, but we are trying to do something. He suggested that was courageous and we should be not afraid to move forward. Well, we do need to move forward but we did not have to move forward on this bill. We could have moved forward, as the House did, taking the first step to ensure that we have a legitimate legal system of enforcement that works, and then we could move on to the comprehensive solution of what to do with the illegal alien population and the future immigration policies of the United states. We can do that separately, or we can try to do them together at the same time.

I was inclined to believe that we weren't ready to deal with this issue comprehensively. That is why I thought the House's idea wasn't so bad. But it was complained about on this side, with great moral superiority, that their approach to security first was somehow bad and not worthy of respect.

I think it is very worthy of respect. In fact, I think this bill would show that we probably would have been better off to have followed their lead. This is the great Senate of the United States of America, and we are not here just to do something, anything. We are here to do the right thing. We are here to confront one of the big issues of our time, and to do it in a way that is consistent with our laws and our values and the values of the American people. That is what we should do. That is our responsibility to our constituents, to our posterity, to the heritage we have been given. That is absolutely our responsibility.

I will tell you, and I will say it plainly, and others may not, but this legislation fails miserably in that regard. It is unworthy of the Senate. It should never pass, it should never become the law of the United States of America. It does not meet our highest ideals. It does not create a system that is consistent with the national interest of the United States.

Let me say with regard to the work that we did this week, I will sort of run down and point out some of the things that occurred, some good things occurred, and some things that were not so good that occurred. Also, in my time today, I want to move from that to a more thoughtful discussion of what any good immigration reform bill should have in it, what issues it should deal with, and point out how this bill is defective in the most fundamental way it lacks the basic principles of any good immigration reform bill.

We started out on the floor of the Senate with a 614-page bill , My staff, Cindy Hayden and her team, discovered that the bill on the floor that they were urging passage of would have brought 78.7 to 217 million legal immigrants into the United States in 20 years, equal to 26 to 66 percent of the entire total population of the United States of America of 298 million. That is what we were being asked to vote on.

I believe we were correct. We were the only group, apparently, to have ever researched this, and I think that includes the authors themselves.

Those who were opposed to this bill were being accused of wanting to lock up people and close our borders and not let anybody in and do all these horrible things, which was never the case. We simply said let's talk about a good policy for America.

We attempted to deal with the important issue of making sure enforcement will happen. I raised it in the Judiciary Committee and got a modest amendment on this issue passed. The Presiding Officer, Senator ISAKSON from Georgia, went right to the heart of the issue and drafted a very good amendment that I thought had a very good chance to pass, and should have passed, and it deals with this fundamental problem, most clearly demonstrated by what happened in 1986.

In 1986, they passed comprehensive amnesty and immigration reform. Those who were in the Senate then—I was not yet here—and remember the debate know it was an amnesty to end all amnesties. It was supposed to create a legal immigration system, and we were told we would not have to do this again. Those concerned about it warned, however, one amnesty begets another amnesty. The more you go down that path, the easier it is. This sends a signal to the world that we are not serious about our laws. In that one bill in 1986, we passed the amnesty, and we authorized a number of things to occur that were supposed to result in an effective legal system. Well, the amnesty became law just like that. But the other things that the enforcement side took—the required funding and congressional assistance, and mostly Presidential leadership—never occurred. It didn't occur.

So Senator ISAKSON came up with an amendment this week that I thought was pretty good. It basically would have ensured that the borders were secure before any of the amnesty provisions could be implemented. They are telling us constantly that the borders are going to be made secure if we pass this bill, so let's hold their feet to the fire and say this time the American people want to have a little hold on you before you grant amnesty again. Let's be sure the borders are secure first, that Congress won't forget that goal after the bill passes. Without the Isakson language, the amnesty provisions in the bill take effect the day the bill is signed. But we didn't accept that amendment. Instead, we will remain in the position where we hope that we will have immigration enforcement in the future. We accepted the Salazar trigger amendment that simply requires the President to determine that the bill's amnesty and guest worker provisions will ''strengthen the national security of the United States.''

That is not sufficient. That doesn't go to the meat of the issue like Senator ISAKSON proposed. And why was it rejected? Why was it rejected? I have had a suspicion and a growing suspicion over the years that this Congress is always willing to pass some bits of legislation dealing with immigration. But if any piece of legislation hits the floor of the Senate that will actually work, that is when the system pushes back and, for one reason or another, one excuse after another, it never happens. So I think this would have worked, and that is the reason it got rejected.

What else occurred, good and bad, through the week? My amendment was accepted 83 to 16 to put 870 miles of physical barriers on the border, 370 miles of fencing, and 500 miles of vehicle barriers—a good amendment, consistent with what the Secretary of Homeland Security and the President said they desired. We probably need more, but we need at least that. It was accepted.

Amusingly, I saw in the paper—I wasn't there when the final vote was counted, but I saw in the paper that 17 Senators changed their votes, mostly on the other side, the Democratic side, after it became clear the amendment was going to pass. Many Senators, for months, have been rolling their eyes

and said we don't need fences. That is not very good. That is not a good thing to do. Fences will work, trust me. They will work. But that, of course, begets the objection, I suspect. But when we voted, it was interesting that we ended up with a vote of 83 to 16, suggesting that the American people are beginning to have their voices heard a little bit in Congress.

Then perhaps the most significant amendment that was adopted was a Bingaman amendment. It would reduce the incredible escalating number under the new H–2C visa foreign worker program. Under the original bill, the numbers were unbelievable. The amendment reduced the total number of immigrants that would have come into the United States if that bill became law from 78 to 217 million to a lower 73 million to 93 million. That was a strong vote for that provision and we make progress in reducing the numbers.

However, this bill, S. 2611, still enacts a four- to fivefold increase over the current levels of legal immigration into America over 20 years. Current law would bring in 18.9 million over 20 years. Did you get that? This bill, if passed today, even after the Bingaman amendment passed by a substantial majority, would still bring into our country three, four, five times—at least four times, I suggest—the number of people who can come into our country legally today.

That is a huge number and will lead us at the end of 20 years to have the highest percentage of foreign-born Americans this Nation has ever had in its history, including the great migration period between 1880 and 1925. It is a colossal bill still in terms of those numbers.

The Senate also accepted, after rejecting it 3 weeks ago when the bill first came up—the bill was pulled from the floor because we couldn't get a vote on Senator KYL's amendment to make certain that criminals are not given amnesty under the bill. It was a simple amendment to say criminals, felons, couldn't be given amnesty, and we couldn't get a vote on that amendment. It was so bad apparently, the Democratic leader was so determined to block this vote, that Senator FRIST pulled the bill down.

As time went on, we were ready to vote on that amendment, and they accepted it, not graciously, but they took it. It certainly makes sense that we do that.

The Senate rejected the Vitter amendment by a substantial amount—66 people voted against it—which would strike the bill's provisions that adjust the illegal alien population to lawful permanent residents, the so-called amnesty provision.

The Senate narrowly accepted the Cornyn amendment, 50 to 48, which protects U.S. jobs for workers by making sure the H–2C visa holder can only apply for green cards if they have actually worked—they are supposed to work—if they actually worked for 4 years and their employer attests they will still have a job after they are given a green card, and the Secretary of Labor determines there are not enough U.S. workers available to fill the job position.

Then the very next vote, a companion amendment by Senator KENNEDY which was adopted with 56 votes, gutted that protection, in effect, and it no longer requires that the employer promise to continue to employ an H–2C alien.

Federal benefits was a key vote yesterday. The Senate shockingly rejected the Ensign amendment 50 to 49—close, close vote—that would have prevented aliens from collecting Social Security benefits as a result of their illegal entry into the country, their illegal work, and their illegal presentation of a Social Security number. Fraudulent presentation of a Social Security number and criminal entry into the United States, and this bill provides they can draw Social Security. We had an amendment to clarify that issue, and the Senate voted to keep the provision in the bill.

Social Security is in trouble now. Thankfully, the Senate accepted the Cornyn amendment that assessed a $750 fine to illegal aliens that will go into the State impact assistance account, and the money will be used to help the States pay for costs that are connected with immigration.

The Senate accepted an amendment by Senator INHOFE on a 63-to-34 vote, 34 Senators voting no, stating that English is a national language and strengthening the citizenship test where one is supposed to know something about the Constitution, the Declaration of Independence, George Washington, John Adams, Thomas Jefferson and crew, and the history of the United States. It would strengthen that a bit. But 34 Senators voted against that amendment. It was adopted. We are moving forward.

My good friend, Senator CORNYN, who is as positive and effective a Senator as we have had join us in quite a long time, said that we made a lot of progress this week. I say we made some progress. I want to share with my colleagues why I think there are serious problems in the legislation.

Last week, I detailed 15 loopholes in the bill that is before us today. Of those 15, maybe 4, 5, 6 have been fixed in significant part, leaving 8 or 9 that have not been fixed. I will not go over those at this time, but I do want to say that those concerns I raised last week are very real. They really need to be fixed. Those loopholes need to be closed. Those concerns need to be dealt with. I am prepared to debate or negotiate with anyone about the importance of those points I made last week. I think most American people would agree with me on every single one of those issues.

Today I wish to talk about a more broad concern with the bill and its potential impact. I again emphasize that we are sensitive to the good and decent people who come here. Those of us who are unhappy with the way this bill is written are not against immigration and not against immigrants; we are not for closing our borders and not for not having anymore immigration. That is all foolish. We are not for arresting people by the tens of thousands and hauling them out of the country. That is not going to happen. But, I don't think the view of the House of Representatives, that we ought to deal with enforcement first and demonstrate that we can create a lawful and workable system first, is immoral, impractical, or radical. It makes a lot of sense to me.

Secondly, I am not aware of any Member of Congress who favors hostile or extreme measures in dealing with the issues today. We want immigration to occur. We will expect to see some increases in immigration, but we want it to be legal, under policies and terms that are appropriate for the United States of America.

The American people are with us on this issue. They expect us to create an immigration system that works and is legal. They don't want to reward those who break into our country with every single benefit we provide to those who come legally. To me, that is, indeed, amnesty.

The American people do not think big business and advocacy groups should be able to meet in secret and create some great design of a plan, foist it on the Senate, and that we can't consider it, review it, and reject it if we need to.

That is basically part of the debate we had last night. It was argued: Well, there has been a great compromise. Sessions, you and the American people, your views weren't part of it, but we know better for our country than you do. And if you amend this section, the compromise will collapse, and the bill may not get passed. You can't change this bill.

The section we were trying to change was the section that is as bogus as any part of the bill. It is the section that is captioned in big print: temporary guest worker. That is what the President has been saying he favors. He told me that personally a couple of days ago. He told me, when he flew to Alabama, that he believed in temporary workers. But it is not so that this bill creates a temporary worker program. I challenge any one last night to tell me that what I am saying is not true.

Under this bill, under that rubric of big print language, ''Nonimmigrant Visa Reform, Subsection A, Temporary Guest Workers''—what it really says is if you come into this country under this work visa you get to convert your status to a green card holder—a legal permanent resident that can then become a citizen. Somebody said last night: Why are people afraid to discuss this issue? I say to the supporters of the bill: Why are you afraid to tell the

truth about your bill? Why do you title the section one thing and then write it to actually do another?

Why are you putting in here ''temporary guest workers'' when there is nothing ''temporary'' or ''guest'' about them. Why? Are they afraid the American people will find out what is really in that provision which would have brought in, had it not been amended by Senator BINGAMAN, perhaps 130 million new people into the country permanently? What kind of temporary program is that?

How does it work? This is the way it works: You come in, get a job; you come in under this guest worker proposal, and within the first day you arrive, your employer can seek a green card for you. If you qualify—and most will—then that green card will be issued, and you are then a legal permanent resident. You are a legal permanent resident within weeks or months of entry into the country, and within 5 years of being a legal permanent resident and having a green card, you can apply for citizenship. If you know a little English and don't get arrested and convicted of a felony, you will be made a citizen by right under that provision. So it is not a temporary guest worker program. We need one in the bill. It is not there. That is what the President says he supports.

The American people don't think we ought to huddle up, have some groups come in and meet with a few Senators and have them foist on the American people an immigration bill that ignores their concerns about legality and their legitimate concerns over the depressing of the wages of American citizens. That is not a myth. The law of supply and demand has not been abrogated with regard to wages and labor.

In terms of lawfulness, decency, morality, and the national interest, the American people are head and shoulders above the Members of Congress who are asserting and pushing this flawed legislation. A huge majority of the American people have been right on this issue for decades. It is the executive branch and the Congress that have been derelict in their most solemn duties. If the American people had been listened to and not been stiff-armed by an arrogant elitist bureaucracy and political class, we wouldn't have 11 million to 20 million people in our country illegally today.

The American people have been concerned about this issue—and the polls have shown it—for 20, 30 years. So what is our national interest and what policies should we pursue? What about border workforce enforcement? Any good bill would include a good enforcement system at the border and workplace.

We should focus our policies on higher skill needs, college degrees, instead of low-wage workers. Serious consideration should be given to how we welcome new immigrants into the American world and have them reach their fullest and highest aspirations. We are not able to do that under the current system, and we certainly should fix this illegality and actually provide some mechanism for a large number of people to come out from the shadows, as they say.

We should consider seriously the impact of wages on the American workers, and we need to consider what other developed nations, such as Canada, Britain, and France are doing. How are they confronting these questions? Why don't we do that? I will tell you why we don't. It is because this bill is totally incompatible and inconsistent with the principles those advanced nations are following.

All of this must be done with the full recognition that America cannot accept everyone who might want to come here, and that is just a fact.

I recently took a trip with Chairman SPECTER of the Judiciary Committee to South America. We were provided State Department news clips. There was an article about a poll in Nicaragua that said 60 percent of the people in Nicaragua would come to the United States if they could. Sixty percent of the people of Nicaragua said they would come to the United States if they could.

We next stopped in Peru, and I asked one of the officials at the Embassy about that poll and asked him did he think it was true. He said they just had a poll in Peru earlier this year—I mean this year, both these polls were this year—earlier this year, he said, and 70 percent of the people of Peru said they would come to the United States if they could. What about the whole world? We have people who want to come from India and China and South America and Brazil and Haiti and the Dominican Republic and the Middle East and Bangladesh and Taiwan and the Philippines. These are good people. I am not putting any of them down. I am just saying for an absolute fact—an absolute fact—that we cannot accept everybody who would like to come here. Therefore, we should decide how to create a system that makes the laws enforceable and then enforce them, and we ought to seek to bring in people who provide the greatest asset to America.

So we will be confronting another issue we need to confront, and that is chain migration. Once a person comes in and they get that green card and then they become a citizen, once they get the green card, they can bring their wife and children. They may have six children. And the wife gets to come and the children get to come. Then, in addition to that, once they become a citizen, they can bring their parents and their brothers and sisters, even if it is a large number of them. They can bring, through this chain migration system, huge numbers of people who may not be what our Nation needs at the time. Maybe there is a glut in the skills their brother or sister has. Maybe those things would mitigate against them. And maybe there is some college graduate in the Dominican Republic who is anxious to come but does not qualify, cannot get in because the visas have been used up by this chain migration process, which makes no sense and needs to be altered.

Also, we need to consider the impact on the Federal Treasury. Even as a green card holder and as a citizen, you are entitled to an earned income tax credit. Most of the people legalized or coming in under this bill would be lower wage workers, and the earned income tax credit for those who qualify amounts to a tax refund to a lower wage worker on average of $2,400 per worker, per year. So they would qualify for the earned income tax credit, their parents would qualify for SSI health care, Social Security benefits as we have in this bill, welfare benefits, education, and health care. The bill calls for instate tuition for illegal immigrants. That is still in here via the DREAM Act. Those kinds of things are in this bill.

So we have had a week of some productivity, but we have much more to do in creating a bill that is fundamentally worthy of this Senate and that will deal in an effective way with where we are heading in the future.

Mr. President, I see my colleague from Washington, Senator WYDEN. I don't know how long he wants to speak. I have some more to go. If he is not going to be particularly long, I would—

Mr. WYDEN. Would my colleague yield just briefly for a question?

Mr. SESSIONS. Yes.

Mr. WYDEN. Mr. President, I was going to talk for about 15 minutes or so. I would be happy to wait for my friend from Alabama, if he would like to finish. How much longer do you intend to speak?

Mr. SESSIONS. Probably longer than that. A good bit; probably 30 or so minutes more. So I would be pleased to yield to the Senator if he is ready and pick up after that. I think I am going to be closing out the Senate when we finish up, anyway.

Mr. WYDEN. Mr. President, I would be ready in just a couple of minutes to start. If my colleague would like to go on for a couple of additional minutes, and then I will speak, and then he could return.

Mr. SESSIONS. Sounds great.

Mr. WYDEN. I thank him for his courtesy.

Mr. SESSIONS. So one of the most significant issues facing America today is how many immigrants will be allowed to enter the United States and become citizens. I am not sure we have given any thought to that. As I said, when we announced at the beginning of this week that the numbers could be as high as 200 million people allowed into the country, I don't think most Senators had any idea that was so. My staff worked that up at about the same time the Heritage Foundation did their own independent analysis, and they were very close in numbers to ours. I hope that played a role in our ability

to pass a bill the next night that did bring those numbers down. As I say, we are now looking at about 73 million to 93 million more people legally coming into our country in the next 20 years.

I wish to emphasize this: Don't think those are small numbers. We are a 300 million-person country right now, and I am talking about 4 times the legal immigration rate presently existing in our country. Under the current law, we would have 19 million come in over 20 years. Under this bill, we would have 73 million to 93 million coming in by a short 20 years from now.

I asked the Judiciary Committee to hold a hearing on April 19 to examine the full impact of the legislation and what we could do about it. I asked that we examine what the estimated numerical impact is of the immigration proposal and how does the future chain migration of family members impact the total immigration numbers under the proposal. I asked that we have hearings on what will be the legislation's estimated fiscal impact on the Federal Treasury as well as State and local governments; how will the entitlement programs such as Medicaid, TANF, and food stamps be affected; what level of immigration in the future is in our best national, economic, social, and cultural interests; and what categories of immigrants in terms of skills and education should compose the overall level of annual immigration. I stated that we need to have a national discussion on this issue. The American people need to be involved.

We had one committee hearing, and it lasted about 2 to 3 hours and three or four Senators came. The individual provisions of the bill have never been examined by any committee. Let me state that again. The individual provisions of the bill on the Senate floor have never been examined by any committee. But every witness who came to that one hearing acknowledged that high-skilled immigrants are good for the economy and that low-skilled immigrants are a net drain on the economy—on average, not every single one. Many of them turn out to be productive and go on and be productive. But on average, from an economist point of view, based on the data we have, they tend to take out more in taxes than they pay in taxes.

I sent a second letter asking for further committee hearings. I wanted to examine the numerical figures in the bill, the fiscal impact, but we never had any hearings on that.

So we did our studies on the legislation, and we came out with these numbers. We did our calculations, and we believe the numbers would run from 80 million or more people coming in over 20 years to perhaps 200 million people. Two hundred million would be two-thirds of the current population of the United States of America.

So we worked hard on those numbers. I don't think they were ever seriously challenged. This is the way it ran. Under current levels of legal immigration, there would be 18.9 million people coming into the country. If we had passed this legislation as it originally was when it hit the floor, we would have had 78.7 million at a minimum coming in—4 times the current level of immigration—and it could have hit the maximum of 217 million, according to our calculations—about 11 times the current level of immigration. So those are huge numbers. I think they caused great concern.

After the amendment Senator BINGAMAN offered was passed and it took out that 20-percent-per-year escalator clause on the 325,000-person guest worker program per year—under this new program, if you hit that 325,000 one year, automatically the next year's limit was 20 percent more, automatically the next year would be 20 percent more, and automatically the next year would be 20 percent more. I think that would have sent a clear signal to the entire world that the United States was going to accept huge numbers of immigrants, and I believe we would have had applications flooding in and it would have been a very serious problem. We did pare that back to 200,000 per year without any 20 percent increase over 20 years, and that made the huge difference I just mentioned. So now about 73 million to 93 million will come in over 20 years, 4 to 5 times the current rate.

I submit that is still far too large a number. We have had no real serious national discussion about what impact that would have on working Americans, what impact it would have on our welfare and our cultural ability to assimilate and welcome foreign visitors and workers who come to our country, and I think it would cause us great difficulty. So we still need to talk about that.

I ask my colleagues and those in the media, how much have you heard this discussed? How many people in the Senate have actually discussed and debated and acknowledged how huge a change this is and whether it is the kind of change we should carry out? Has it even been discussed? Oh, but they say, we have to pass something. We just have to pass something and get it off our plate. You know, the Senate has a lot to do. We are busy. Let's just move on it. Let's just show courage. Let's just move it on and get something to the House.

Oddly, some of the people who have been making the most fun and complaining about the House of Representatives for their enforcement approach are now justifying and asking us to pass the bill on the basis of, well, it will get better after we go over to the House. They tell me to not be so worried about all of these provisions because the House Members will never agree to it and we might make the bill better in conference.

That is kind of an odd argument to make. If you are so holy and so righteous, why don't you come down here and defend these numbers they tried to slip by 3 weeks ago without a single amendment being considered by the Senate. They tried to move that through here. Finally, it blew up and Senator FRIST pulled the bill down, insisting that at least there be some amendments considered as we move this piece of legislation forward.

So, Mr. President, in a few minutes I will share a few more remarks on some of the specific concerns I have involving this philosophy of the bill in a few moments. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as if in morning business.

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

(The remarks of Mr. WYDEN are printed in today's RECORD under "Morning Business.")

Mr. WYDEN. I yield the floor. 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. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I yielded the floor to Senator WYDEN a few moments ago, and I wish to complete some thoughts.

I documented without any real dispute that the provisions in the bill before the Senate today will increase legal immigration into our country by an extraordinary amount, by four to five times the current levels. That is a huge increase.

At the same time, we have done the research on it, and I will not go into the details, but the programs that allow most of the people to come into our country favor low-skilled workers. We think from 70 to 90, maybe 92 percent of the workers who will come in under the provisions of the bill in the Senate today will come in as low-skilled workers. That is very significant because it is quite clear from every professional, independent, pro-immigration economist who has analyzed it that low-skilled workers do not tend to pay as much in taxes as they take out. They become a net drain on the Treasury of the United States. That is an important issue. If we are going to do comprehensive reform, why haven't we discussed this issue? I ask my colleagues and those who promoted the legislation before the Senate today, has that been discussed with the American people? Have we had extensive hearings in committees on this question? The answer is no.

In fact, if you read the bill, you will discover there has been a studied and carefully carried out plan to conceal how many people will come in under the temporary guest worker programs when, in fact, what they mislabel as a

temporary program is in fact a permanent worker program that leads on a direct path to citizenship in fairly short order. I am talking about the future immigration programs in the bill here. I am not talking about the other 11 to 20 million illegal aliens who may claim amnesty under this bill.

If we are going to do a comprehensive plan, why don't we think first and foremost about what our Nation needs, what the implications are for immigration, how it has enriched us in so many ways in the past, how many wonderful, decent people come here. But we also need to ask ourselves, what are the limits of immigration? What are the aspects of it that could be better handled? We need to think these things through in a careful, legitimate way, focusing on the legitimate national interests of the United States of America, because it is not our policy and cannot be the policy of any nation to allow immigrants into their nation solely on the basis that it is good for the immigrant.

I don't want to be harsh about this. I am not being unkind. We want to have immigration. I will support an increase in legal immigration over the current levels if it is a reasonable increase focused in the right direction and promotes the interests of the United States. We will have more coming in, but we need to ask the question of how we should do it, who should be allowed to take advantage of the limited number of slots we can legitimately bestow on those who come here.

It cannot be their choice, but there seems to be talk here that reminds me of entitlement talks, rights talks, that someone in a foreign nation around the world has some sort of right to come to America, an entitlement to come to America, that we cannot deny them. Where did that come from? That is not true in any other nation in the world. It is an example of muddled thinking.

It is Mr. Barone who wrote a book called ''Hard America, Soft America.'' Sometimes we need to just have clear thinking. Some things you just need to make a decision about. One of those is the number of people who can come into our country is limited. A great nation, a wise nation, wants to make sure the people who come into the country best suit and best foster that nation's progress. How simple is that?

Let's talk about the national impact of low-skilled workers versus high-skilled workers. I asked for a series of hearings. We got one hearing. It went 2 or 3 hours. We had good professors, but only three or four Senators showed up. I have some of the testimony from that hearing and some other information relevant to that important question that I will read from in a minute. Shouldn't we be talking about those things? We are talking about a lot of issues that may be hot buttons and of concern, and I am pleased we have a fence at the border, but at the same time, the great Senate of the United States needs to think about the future.

This is what we learned. The economic experts who testified before the Senate Judiciary Committee on April 25, 2006, at the immigration economic impacts hearing agreed that low-skilled immigrants unavoidably depress the wages of American workers in low-skilled job categories. They held, it is fair to say, a common consensus. Some are pro-immigration, and they argue benefits and other things, but they all held a common consensus that high-skilled immigrants are better for the economy than low-skilled workers. Low-skilled workers are an overall net drain on the economy.

Professor Richard Freeman, the Herbert S. Ascherman professor of economics at Harvard University, testified, among other things:

> One of the concerns of when immigrants come into the country is that they may take some jobs from Americans or drive down the wages of some Americans. Obviously, if there are a large number of immigrants coming in, and if they are coming in at a bad economic time, that's very likely to happen.

He went on to talk about the impact of high-skilled workers. He noted:

> I think America makes a huge gain, and much of the gains are to us. Some of the gains are to the immigrants, of course.

You will notice he says that more than once. He talks about who actually gains from immigration. For low skilled workers who come here, it is a gain to them because they are coming to a better and freer and more prosperous country. But the real question our Nation should ask is, How does it benefit us? He says:

> There are gains to us from high-skilled workers and to the immigrants.

He goes on to say:

> Having a lot of immigrants coming in at the top, it does make it more difficult for some young Americans to advance in those fields, but we can recompense the young Americans with other policies.

He goes on to note:

> It's very important to understand that the biggest beneficiaries from immigration tend to be the immigrants, particularly if you are a low-skilled immigrant.

He adds this:

> If you are a poor immigrant, your income in the United States will be six to eight times what it is in Mexico.

Professor Dan Siciliano, director of the program in law, economics, and business at the Stanford Law School, a pretty good law school, is a pretty strong advocate in favor of immigration, but he talked about the question of the cost of low-skilled immigrants. He said:

> If you look at the fiscal/economic impact, which is the Government's coffers impact, it might be true that lower-skilled workers, just like all of us, have a negative impact on the fiscal bottom line. And so we may have a modest net negative fiscal impact for all low-wage workers in the United States, not just immigrants. This is not unique to immigrants, documented or undocumented.

What he was saying is that low-skilled American workers who are not trained, not skilled, and not educated, will draw more from the Federal Treasury than they put into it. That is one of the reasons we work so hard to train and provide skills to American workers, so they can rise and be successful and reach their highest possible aspirations. But when that does not occur, it does have a cost to the economy. Why would you want to import large numbers who don't have skills when there are large numbers of people with skills who want to come here?

Dr. Barry Chiswick, head of and research professor at the Department of Economics at the University of Illinois in Chicago, said this:

> What about the impact on low-skilled American workers? How does a large amount of new labor into the country impact American workers of low skill?

He was blunt. He told it like it was. He said:

> There is a competition in the labor market, and the large increase in low-skilled immigration that we have seen over the last 20 years has had a substantial negative effect on the employment and earnings opportunities of low-skilled American workers.

He goes on to add:

> The large increase in low-skilled immigration has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently resident in the United States.

We have some Members on the other side who want to bring in five times as many low-skilled workers as we bring in today. Do they want to dispute the professor from Chicago?

He goes on to say:

> The last amnesty [in 1986] actually encouraged additional low-skilled immigration in anticipation of further amnesties.

I went back and saw the summary of the debate in 1986. People who opposed that amnesty predicted that we were going to be driven inevitably to future amnesties and we should stand on principle and fix the system in 1986. This professor clearly agreed that their prediction has come true.

He goes on to add:

> Over the past two decades, the real earnings of high-skilled workers have risen substantially. The real earnings of low-skilled workers have either stagnated or decreased somewhat.

That is a sad statement. It is a sad event, if it is true, because people are doing well today. The economy is booming. But as I will point out to my colleagues in further remarks, the wages for low-skilled workers are not increasing. They are not sharing in the benefits of the progress and prosperity this Nation is enjoying at this point. We have an agreement here struck between the Chamber of Commerce and some political activist groups to move this bill through, and they are not concerned sufficiently about the interests of decent American citizens who may not have the highest skills. These Americans, however, are entitled to a decent wage and their wages should be going up in this time of prosperity.

Dr. Chiswick goes on to say:

> We need to provide greater assistance to low-skilled Americans in their quest for better jobs and higher wages, and one of the

ways we can help them in this regard is by reducing the very substantial competition that they're facing from this very large and uncontrolled low-skilled immigration that is the result of both our legal immigration system and the absence of enforcement of immigration law.

I lay this on the table, like I have done before. If people want to disagree with Professor Chiswick, let's have them down here and explain that. Professor Samuelson and a lot of others agree with him, and the numbers tend to confirm that. When you have a shortage of labor, a laboring man's value goes up because he can demand a high wage. When you have a large amount of low-wage people willing to go out and take a job, it can drive down wages an American worker can expect to get when they go out and seek a job. I don't believe we are going to repeal the law of economics for labor. It has always been there, and it always will be.

Dr. Chiswick also shared with us his thoughts about the cost of low-skilled immigrants, and he notes:

Low-skilled immigrants make greater use of government benefits and transfers than they pay in taxes.

I am not condemning anybody. We should not condemn anybody. We have a nation that is generous and wants to help people who have difficulties getting by in life. We are always going to do that.

But he says:

Low-skilled immigrants make greater use of government benefits and transfers than they pay in taxes. So in terms of the public coffers, they serve as a net drain. Whereas high-skilled immigrants have the opposite effect. And the consequences of low-skilled immigration are pretty much the same whether they are in legal status or illegal status, although the net effect on the public coffers is actually more negative for legal immigrants who are low-skilled immigrants.

Did you hear that? Once they become legal and get a green card or become a citizen, they are entitled to more benefits than when they are illegal. But in fact, both of them turn out to be net drains on the coffers of the United States, according to Professor Chiswick.

He goes on to say:

And if you do the analysis separately for high-skilled and low-skilled immigrants, what you would find is that even in a period of surplus, low-skilled immigrants would be paying less in taxes than the burdens that they would be putting on government expenditures.

Mr. Siciliano, who is more pro-immigrant and sees it in a more positive light, interjected and said:

Truthfully, just like low-skilled U.S. workers.

And Professor Chiswick responded:

Just like low-skilled natives, yes.

Mr. Siciliano responds:

Yes, in no different way than low-skilled U.S. workers.

And Mr. Chiswick replied:

But low skilled natives are here. And low-skilled immigrants, do we want them in?

In unlimited numbers, I would add. What about high-skilled immigrants? What did Mr. Chiswick say about that?

Two-thirds of the immigrants coming into the United States annually come in under kinship criteria.

That is chain migration.

Only about 7 percent are skill tested. For only about 7 percent do we really ask the question what will you contribute to the American economy?

He goes on to say:

We need to alter our immigration policies to increase the focus on attracting high ability, high-skilled immigrants. What we want to do is attract those immigrants who would have the largest positive contribution to the American economy, and they will be highly skilled immigrants, immigrants with high skills in literacy, numeracy, scientific knowledge, technical training. Current immigration law pays very, very little attention to the skills that immigrants bring to the United States.

That is his statement. It is something we need to think about as we pass a bill that pretends to be comprehensive.

Professor Harry Holder, also testifying at our hearing, who was associate dean and professor of public policy at Georgetown University, another pretty good university, said this about the impact of low-skilled American workers:

There are jobs in industries like construction that I think are more appealing to native born workers. And many native born, low-income men might be interested in more of those jobs, although employers often prefer the immigrants, especially in residential construction. Now, absent the immigrants, employers might need to raise those wages and improve those conditions of work to entice native born workers into those construction, agriculture, janitorial, food preparation jobs.

I believe that when immigrants are illegal, they do more to undercut the wages of native born workers because the playing field isn't level and the employers don't have to pay them market wages.

He was then asked about future immigration policy, and he said:

I agree with Professor Chiswick. We are not ready to open the floodgates of immigration. We will continue to have controls on immigration. And we need to find cost-effective and humane ways to limit those immigrants.

So we didn't get five hearings. We didn't get a national dialog. We had one hearing for a few hours and a number of professors, pretty much those professors who consider themselves pro-immigrant, and that is what they told us.

Let me share a few more points on that subject from another individual. The Washington Times, on May 8, published a column by Alan Tomlinson. He is an official with the U.S. Business and Industry Council Educational Foundation. He went back and did some studies and dealt with this allegation that without ever increasing flows of immigrants, representatives of numerous industries have warned their sectors will literally run out of workers and the economy will collapse. He was not so impressed after he did some studies. He said:

Most statistics available show conclusively that far from easing shortages, illegal immigrants are adding to labor gluts in America.

Think about that. He says that we don't have a shortage, we have a glut.

Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen. When labor is genuinely scarce and too many employers are chasing too few workers, businesses typically bid wages up in the competition to fill jobs. When too many workers are chasing too few jobs, employers typically are able to cut wages, confident that beggars can't be choosers.

Then he checked the Department of Labor statistics. He says this:

The Labor Department data revealed that the wage-cutting scenario is exactly what has unfolded recently throughout the economy's illegal immigrant heavy sectors.

Then he talked about restaurants. We hear there are not enough people to work in restaurants. Illegal immigrants comprise 17 percent of the food preparation workers, 20 percent of cooks, and 23 percent of dishwashers. What did he find?

According to the data from the U.S. Bureau of Labor Statistics, through inflation-adjusted wages for the broad food services and drinking categories, wages fell in real terms 1.65 percent between 2000 and 2005.

If there is a crisis to get cooks and dishwashers, how are they able to cut salaries? How does the Bureau of Labor Statistics show that salaries went down? This is one of the areas where we have the most numbers of illegal immigrants.

He then goes on to talk about the hospitality industry, which includes hotels. They say we have to have a person who puts that chocolate on your bed every night and makes up your bed and comes in and puts your toiletries in a line for you, whether you want that or not. You have to have them. The Bureau of Labor Statistics data, according to him, who studied them, show that inflation-adjusted wages fell nearly 1.1 percent from 2000 to 2005. So hotels are booming, and they are building new hotels, and they say they cannot get workers.

Why are wages not going up? Perhaps if they pay a little more money to decent American citizens, they might be able to get more to work. They may have to charge $180 instead of $170 a night for a room. Is that going to destroy the American economy? I think not. Maybe the average American worker would be better able to participate in the prosperity that is going on.

He talked about the construction industry. He says that, interestingly, from 1993 to 2005, wages in that sector only increased 3 percent. That is 12 years. The wages, according to the Bureau of Labor Statistics, in the construction industry area only increased 3 percent in 12 years. From 2000 through 2005, at the height of the housing boom, inflation-adjusted wages actually fell 1.59 percent. So we have this crisis in workers, and wages are falling.

He then talks about food manufacturing. They make up a big part of that. Let me point out that even in the construction industry, the illegal immigrants make up only 12 percent of

the workforce. So this argument that you cannot get anybody who is native-born to work in construction is bogus. The one thing that hurts me the most when I hear President Bush say it is when he says these are jobs Americans won't do. I reject that. He should never say that. These are good jobs, honorable jobs, filled by honorable American people. In the construction area, almost 90 percent are American workers, and there is nothing they won't do. They may not do something because they don't get enough pay or benefits or retirement, but the jobs themselves are noble contributions to America. They go out and build something—a wall, drywall, a roof on a house—and that is a lot better than some of these lawyers and other people who contribute very little, I submit, to the net economy.

They talked about the 14 percent of the workers in food manufacturing, including animal processing. That includes chicken plants, slaughterhouses, and beef-processing plants. You have heard that we cannot get workers there. Pew Research says that illegals make up 27 percent of workers in that category. That is the highest sector, it looks like, according to this. What happened to their wages from 2000 to 2005? They say they cannot get people to work in the chicken plants. That is what they say in Alabama—they cannot get workers and we might have a real problem without the illegal workers. If so, how did adjusted wages fall 1.4 percent during that period of time?

He goes on to note that examining more closely the pattern within the 2000 to 2005 period provides compelling evidence that illegal immigrants have been used deliberately to force down wages. In most industries that used illegal immigrants heavily, inflation-adjusted wages rose modestly during the first years of the current decade. Yet, soon after, they dropped significantly.

What about the guy who wrote the textbook on economics, Robert Samuelson? I think he would be considered a liberal. Robert Samuelson produced an op-ed on May 17, 2006, this year. He deals directly with the question of immigration. This is what he said:

> The central problem is not illegal immigration, it is undesirably high levels of poor and low-skilled immigrants, whether legal or illegal. Immigrants are not all the same. An engineer making $75,000 annually contributes more to the American economy and society than a $20,000 laborer. On average, an engineer will assimilate easily.

He quotes favorably Professor Chiswick, and I just quoted from his testimony before the hearing. This guy has written books on economics. He quotes the same quote I just gave, I believe. I will not repeat that. He quotes Mr. Chiswick's comments concerning the fact that low-skilled immigrants tend to pay less in taxes. They receive more benefits, such as income transfers, the earned-income tax credit, food stamps, public schooling, and publicly provided medical services. He quotes this from Mr. Chiswick, too: While low-skilled immigrant workers may raise the profit of their employers, they tend to have a negative impact on the well-being of the low-skilled, native-born population and on the native economy as a whole.

Mr. Samuelson adds this:

> Hardly anyone is discussing these issues candidly. It is politically inexpedient to do so. We can be a lawful society and a welcoming society simultaneously, to use the President's phrase, but we cannot be a welcoming society for a limitless number of Latin America's poor, without seriously compromising our own future and indeed the future of the many Latinos already here. Yet, that is precisely what the President and many Senators, Democrat and Republican, support by enforcing large guestworker programs and an expansion of today's legal system of visas. And in practice these proposals would result in substantial increases in low-skilled immigrants.

What are other countries doing? I will wrap up with these thoughts. What are other nations around the world doing as they consider their immigration policies?

In Australia, immigrant applications are considered under either the general migration program, which includes skilled or migrant spouses and those sponsored by family members already settled in Australia, or the humanitarian refugee program. For fiscal 2004–2005, the Australian Government set a goal of 120,000 migrants, far less than our number; 42,000 places for family members; 72,000 for skilled business migrants; and 13,000 for the humanitarian and refugee program—though actual arrivals were just over 123,000.

Under the skilled migration program in Australia, applicants are given points for different criteria. In the fiscal year 2004, the pass mark for general skilled migration was 120 points. So they have a points based system. As it turned out that year, you had to have 120 or more or you were not approved. Points were awarded for age—lower age tends to be better—skill, English language ability, specialized skills, job offers in demand fields, or completion of an Australian university degree. If a foreign student comes here and finishes at the top of their class at Georgetown or the University of Alabama, they have to leave for at least 2 years. Somebody can come in here for a low-skilled job and get a green card the first day they come in. How silly is that? But that is what Australia does. They give 5 additional points for a capital investment in Australia of at least $100,000. Australian work experience, fluency in the Australian community language, and skilled occupations are given various points.

What about Canada? They accept six major categories of immigrants: skilled and independent workers, business immigrants, provincial nominees, family class, international adoptions, and Quebec-sponsored immigrants. Refugees are also counted in immigration statistics. They do not have a country-based or worldwide quota, but they establish annual targets. In fiscal year 2004, approximately 236,000 people were accepted for permanent residence in Canada; 113,000 were skilled, 62,000 family, 10,000 business, 6,000 provincial nominees, and 32,000 refugees. There is a pretty good mix there. Far higher—over half of that number clearly are people with high skills, high education, and business capability.

The strictest preference system is used in Canada for skilled workers and is based on a point system. Under the current system, applicants must obtain at least 67 out of 100 points and have at least 1 year of work experience within the past 10 years in a management occupation or in an occupation normally requiring university or technical training, as identified by the Canadian occupational classification system. Points are awarded for education, languages, employment experience, age, employment, and adaptability. So they have standards. In our system, people come in basically under entitlements. If you meet this standard, you get to come in regardless of your skill.

What about France? Two days ago, France's lower House of Parliament approved a new immigration bill supported by one of the top Cabinet members. The Parliament approved a bill that would allow the country to selectively choose which foreigners can live and work in that country and would require that immigrants learn the French language. You know, they care about that French language. We need to care a little more about the English language.

I remember when Chirac walked out of the European Union conference because a Frenchman, in speaking to the delegation, spoke to them in English. He was so offended that a Frenchman would speak English at an international conference, he left. That is a little bit much, I think, but I don't think there is anything wrong with a nation that is proud of its language and wanting to preserve it.

So this French bill could make it easier for the country to screen out poorly educated immigrants in favor of highly skilled workers.

It would tighten restrictions under which immigrant workers can bring their families to France. That is chain migration. You get to bring your family no matter what skills they bring to the Nation. It would abolish the right of illegal immigrants to receive residency papers after living in France for 2 years. So in a way, it abolishes amnesty. It abolishes the right of illegal immigrants to receive residency papers, even after they have lived in the country for 10 years. The bill passed by 367 to 164 and will be debated in the French Senate next month.

An article I happened to catch on the airplane the other day in the Economist, a London-based newspaper, said Americans are nativists, not internationalists. Why don't we talk about some of these EU countries that are supposed to be so progressive? This is

what the Economist wrote on May 6 describing the background of France's immigration policy and the reason for their legislation:

Until the mid-seventies, immigrants to France came to work. Since the law was tightened in 1974, the inflows have changed. Today, only 7,000 permanent workers arrive each year, down from over 107,000 in the late sixties. Three-quarters of legal immigrants to France are family related. Not skill related, family related.

France has a low proportion of skilled immigrants. France's Interior Minister, Nicolas Sarkozy, argues ''that under the pretext of protecting jobs at home, France has created a system that let's in only those who have neither a job nor any useful skills.''

How about that?

The Economist article goes on to describe an immigration bill that Mr. Sarkozy has put before the French Parliament this week, which addresses that very problem.

Mr. Sarkozy's proposal, in many ways, simply follows the practice of other countries, notably Australia, Canada, Switzerland, as well as Britain and the Netherlands. In each case, the policy is based on a recognition that there is no such thing as zero immigration, and that a managed, skill-based immigration policy will not only control inflows, but will also bring benefits to those countries.

Madam President, we have focused on a lot of hot button issues, some of which are very important, but we have not given serious thought to the fundamentals of what we are doing here, and what impact it will have on our country. We are not giving any thought to what the Netherlands, what France, what Britain, what Canada, and what Australia are doing. We are not in any way following their model. In fact, we are ignoring the testimony of some of our Nation's most prestigious economists on those issues.

As a result, we have a fundamentally flawed piece of legislation on the floor of the Senate. It should never ever become law, and it is a sad day when those who are supporting this legislation are reduced to quietly going around and suggesting: Don't worry about it being so bad, we just have to do something and maybe the House of Representatives will save us.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

RHODE ISLAND ARMY NATIONAL GUARD

Mr. REED. Madam President, I rise today to recognize the Army Aviation Association's top National Guard aviation unit for 2005. Since 1969, the Army Aviation Association has presented this award to the best Army National Guard aviation unit. Indeed, it is a great honor to represent the State of this year's winner, the 1st Battalion, 126th Aviation Regiment of the Rhode Island Army National Guard.

The 1st of the 126th has a long and distinguished history. Tracing its roots back to 1930 and the 68th Field Artillery Brigade, the 1st of the 126th was founded as a field artillery unit and later transitioned to medical care specialists. But in the 1960s, the unit was reorganized into an aviation unit. Since that time, it has performed with extraordinary professionalism and skill in its role as an aviation unit.

Deployed to Iraq from January to December of 2005, the 1st of the 126th served as the core of Task Force Dragonwing during Operation Iraqi Freedom. Task Force Dragonwing, based out of Balad Airbase north of Baghdad, was the lead force responsible for conducting combat support aviation operations through the entire Iraqi theater. They accumulated over 16,000 hours of combat mission flight hours during nearly 2,000 missions while transporting 66,000 passengers and 5,000 tons of cargo. During their tour, they flew 46 missions in direct action against known or suspected anti-Iraqi forces, and 22 missions were subjected to known surface-to-air fire, with 7 aircraft receiving battle damage. Throughout the professional performance of their duties, no members of the unit were killed or seriously injured.

The 1st of the 126th is comprised of 457 soldiers who man and maintain 24 UH–60 Black Hawk helicopters and 12 CH–47 Chinook helicopters. Their mission is to perform air assault and movement operations and to provide command, control, supervision, staff planning, and logistical support to all units affiliated with the battalion.

During one of my visits to Iraq, I had the great honor and opportunity to fly with them, to observe their unit firsthand. In fact, I was honored to be accompanied by GEN John Abizaid, whose comments about their skill and professionalism brought great pride to me and all Rhode Islanders. This unit was ably commanded by COL Chris Callahan and was led by soldiers, pilots, and crew members with great skill and courage and professionalism.

I was, indeed, honored and thrilled to be with them in Iraq, to see their operation, to see the contribution they made to our effort in Iraq. The 1st of the 126th has proven itself an exceptional unit and deserves to be selected by the Army Aviation Association as the top aviation unit for 2005. They have served their country with honor. We are all proud of their service, in the State of Rhode Island and throughout the Nation. Indeed, it is heartwarming to see them being recognized nationally for their great success, their great service to the Nation, and their great professionalism. I commend Colonel Callahan and all the officers and personnel of that unit for their service, for their sacrifice, for their dedication to our country.

NEEDLESS SUBSIDIES TO OIL COMPANIES

Mr. WYDEN. Madam President, a couple of weeks ago, I stood in this spot for almost 5 hours because I wanted to prosecute an important cause, the cause of cutting needless subsidies to oil companies when the price of oil is over $70 a barrel. Today the price of oil is still about $70 a barrel, but there is a prospect of some good news. Late last night, the House of Representatives did something that seemed unimaginable in the Senate a couple of weeks ago. They actually had a vote on whether profitable oil companies should get taxpayer-funded royalty giveaways at a time when our citizens are paying record prices at the gas pump.

When I spoke on the floor several weeks ago, all I was trying to do was get an up-or-down vote on exactly what the House of Representatives voted for last night. In fact, I spoke in this spot for more than 4 hours before any Senator of either political party raised any concern about the proposal I was advancing. But despite that extended effort, I was unable to get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil industry.

Last night, the House of Representatives not only voted, but they voted overwhelmingly, on a bipartisan basis, to put a stop to this extraordinary waste of taxpayer money.

I remind the Senate and those who may be following this debate that the Government Accountability Office has said that a minimum of $20 billion will be spent on this program. There is litigation involving this program underway. If the litigation is successful, and we are not able to roll back this subsidy, this program could cost taxpayers $80 billion.

Fortunately, the House voted last night to prohibit funding for new offshore oil and natural gas production leases if companies do not pay royalties based on fair market prices. The House vote aims to get oil and gas companies to renegotiate Federal contracts signed in 1998 and 1999 that included royalty relief for companies at a time when crude oil prices were considerably lower than they are now. If the companies wish to continue to get new leases in the future, they would have to renegotiate the old leases and pay royalties based on current market conditions. This is very much along the lines of what I sought, after an extended discussion, to have the Senate vote on just a few weeks ago.

Some have argued that this approach would be essentially like blackmailing the companies by denying new leases