

for a foreign worker. They come here, they work in agriculture for a couple years, they move out, and they move on to the service industry, the construction industry, the homebuilding industry.

In part, with our borders now tightening and the nearly \$2 billion a year we are spending on that security and that increasing security, they have moved out of agriculture and there is no one to move in. Also, the displacement occurred after Katrina when many of that level of worker left the fields of agriculture and went south into Mississippi and Louisiana to help with the cleanup down there. In fact, many Mississippians and Louisianans will tell you that if it hadn't been for migrant workers and, in this instance, illegal workers, we wouldn't be as far along with the cleanup and the beginning of the rehabilitation of what has gone on in the tragic area affected by Katrina.

Mr. President, when we proceed to the fence bill, I am going to attempt to bring up AgJOBS. I am going to ask unanimous consent that the Senate allow us to do that. I don't know that it will happen. It probably won't. But I think it is important for America and agriculture to see we are trying. Because one of the quotes I handed in earlier when I asked unanimous consent for some material to go into the RECORD, along with the letter Senator FEINSTEIN and I sent out to our colleagues, was, I thought, a necessary and appropriate headline from an article that talks about the impact of what is going on across agricultural America. It says: "Pickers are Few, and Growers Blame Congress." And the growers ought to blame Congress. They ought to blame a government that has been dysfunctional in the area of immigration for decades.

That is why I began to work on this issue back in 1999 when American agriculture came to me and said: Senator, we have a problem, and we know it is a problem. We don't like it. We want to be legal. We want our workers to be legal, and we want to treat them justly. But the workers, by their effort to get here, are being treated unjustly. We know they are not legal, and yet we are nearly wholly dependent upon them.

I had hopes that we could keep the cart and the horse connected appropriately. There is now a very real disconnect occurring—a disconnect between the security of the border, which is critical and necessary, and a legal process by which those workers can move through that secured border to the farms and fields of American agriculture. I don't know what it is going to end up like at the end of the harvest season across America, but my guess is—and it is now being predicted—we could lose \$4 billion or \$5 billion or \$6 billion at the farm gate, and of course there is the multiplier then beyond the farm gate to the processing, to the distribution, and to the supermarket. We

all know what happens when it gets to the supermarket and there is less of it: the American consumer is going to pay double the price for that produce that simply was left in the fields to rot.

Now, that is what is going on now. When we get back in November, we will have accurate figures—this Congress isn't going to deal with it—and we will know whether it was \$3 billion or \$4 billion or \$5 billion or \$6 billion, and shame on us, because the Senator from California is right. We could deal with it today. The bill has been well heard. The bill has been appropriately vetted. It has been around a long time. It has been accepted by 60 Members of this body. But we are now politically bound up until after the American people speak in the election, and then we will find out how much further we can move on this issue.

So we will know in November about the harvest of September and October. What about the winter months? What about the farmer who is now going to go out into the field in January to plant for a February or March fresh vegetable crop across Florida, parts of the South, certainly Arizona, the Imperial Valley of California, where last year we left over \$1 billion of fresh green vegetables in the field? I will tell my colleagues what the farmers are telling me, and it is a tragedy if it happens, but it probably is going to happen. Senator, they say, if we can't plant that fresh vegetable crop that requires hand labor, we will plant winter grain. We will simply go to the fields and plant a crop of phenomenally less value to the American agricultural market, in the intensive sense, because we know it isn't going to require hand labor. One farmer told me: If I can't have the labor come to me, I will go where the labor is. So he is moving his operations out of California. He is headed to Brazil. He is headed to Argentina. There goes that economy, there go those jobs, because this Congress could not understand and function in an appropriate fashion.

So be it. That is the tragedy of it. I had hoped we could think differently. We need a legal workforce. We need a reformed H-2A program. We need a guest worker program. We worked out those differences amongst ourselves. Some have agreed, some have not agreed, but we have attempted to resolve the problem.

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

Mr. CRAIG. Mr. President, in closing, I am going to give the Senate one more opportunity to say no because it is important that the RECORD show where we are because history and this month will dictate where we need to go in November.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

#### BIOTERRORISM

Mr. KENNEDY. Mr. President, a short while ago on the floor of the U.S.

Senate, my friends and colleagues on the Health, Education, Labor and Pensions Committee, our chairman, Senator ENZI, and Senator BURR brought to the Senate's attention what we call the bioterrorism BARDA legislation, S. 3678. I am a strong supporter of that legislation. I believe that legislation provides a rather unique process by which outstanding opportunities for breakthroughs in vaccines and other medical technologies can be developed and furthered. This can be enormously valuable and helpful against any bioterrorist threats, pandemic flu, or other kinds of diseases or pandemics we might face in the future.

There are several of our colleagues who want to have an opportunity to improve and strengthen that legislation. Obviously, they are entitled to do so. But I want to underscore the strong work that has been done to date by our chairman, Senator ENZI and also by Senator BURR in developing this legislation. The BARDA concept is very close to what was done a number of years ago with DARPA, the Department of Defense's advanced research program, which has demonstrated enormous success in finding new technologies that are used by the military. It is a very commendable concept and offers us great hope down the line.

This legislation also recognizes that we are going to develop capacity to contain whatever danger there may be in local communities by strengthening support for hospitals, containment, and the public health infrastructure. Prevention, detection, containment, and support for the health facilities, are all interrelated—they are enormously important.

So I hope that as soon as we return in the lame duck session, this will be a first order of business. I have talked with our leader about this issue. I look forward to, in the course of these next few weeks, talking to some of our colleagues who have offered amendments to see how we might be able to proceed, even in this limited amount of time, to ensure that we have effective legislation.

#### SECURE FENCE ACT

Mr. KENNEDY. Mr. President, on a second matter, the issue which is currently before the Senate—I know we are in a period of morning business, but the underlying issue is the Secure Fence Act of 2006.

I listened to my friend and colleague from Idaho speak very eloquently about the AgJOBS bill. I enjoyed the opportunity to work with him in helping to fashion that legislation. We worked very closely together and were able to convince our colleagues on the Democratic and Republican side of the value of this legislation.

It demonstrates very clearly a problem we are facing with the underlying bill, which is called the Secure Fence Act of 2006. Rather than focusing on comprehensive legislation to deal with

the immigration ordeal with the AgJOBS bill, as the Senator has mentioned, which would be valuable and very important in terms of the agriculture industry and also providing important protections for the workers themselves—a compromise that was worked out over a period of years—we are effectively saying no, we are not going to deal with that. We are just not going to deal with it. The leadership has decided they won't have an opportunity to deal with it, even though there are more than 60 Members, Republicans and Democrats alike, who would like to deal with it.

I join comments that have been made by the Senator from Idaho, but also by my friends Senator BOXER, Senator FEINSTEIN, and others. We are going to have the time here this afternoon. As Senators pointed out, this is legislation which is understood and which is very important. One cannot pick up the newspapers without reading the adverse results of our failing to act. This is something we should be addressing as an amendment—I think it is much more valuable than the underlying legislation, but we certainly should have had the opportunity as an amendment.

On the issue of the Secure Fence Act, immigration reform is one of the most pressing issues we face today. It is a security issue, an economic issue, and a moral issue. President Bush told us that it was a top domestic priority.

Many Members in the Senate understood the importance of the issue and devoted an unprecedented number of weeks to hearings, markups and extensive floor debate to this priority. In May, the Senate passed a historic bipartisan bill supported by 64 Senators.

The House however passed a very different bill last December one that has been roundly condemned as cruel and ineffective by religious leaders, Latino leaders, and immigration and security experts. It focuses only on enforcement and makes it a felony for any Good Samaritan to help immigrants. As one religious leader described it this week, you could go to jail for giving an undocumented immigrant a cup of water in Jesus' name.

What's more, the bill does nothing about the 12 million undocumented immigrants who are here already, and it does nothing about the Nation's future immigration needs both vital ingredients to an effective immigration policy.

Common sense tells us that enforcement alone is not the solution to today's complex immigration challenges. We can build fences, but people will come around them. We can put high tech devices on our borders and they will deter some people, but we all know that many others still will find a way to come. We can make criminals of the pastors and priests who help immigrants, but that is not only contrary to our values, it will have little impact on immigration.

The logical next step would have been for Congress to appoint conferees

so we could begin negotiating a compromise. That is what we do—pass a Senate bill and pass a House bill. Then conferees are appointed from both Houses to reconcile their differences on the bill. That is what Congress does on critical issues.

But, instead of rolling up their sleeves and doing the work necessary to get legislation to the President's desk that deals with the key elements of the immigration problem—that will bolster national security, ensure economic prosperity; and protect families—the Republican leadership in the House frittered away the summer, preferring to embark on a political road show—featuring 60 cynical one-sided hearings, and wasting millions of precious taxpayer dollars. And after the bunting came down and the klieg lights were removed, after all the political hoopla and hot rhetoric, what did they produce? A fence.

Did they do anything about the millions of people who come here on airplanes with visas, and stay here illegally after their visas expire? No. Just a fence.

Did they do anything to ensure that employers don't hire people who are here illegally? No. Just a fence.

Did they do anything about the 12 million undocumented immigrants who are here already, living in the shadows while working hard to support their families? No. Just a fence.

Yes, Republican leaders wasted time, opportunity, and your money. For a \$9 billion fence that won't do the job.

That is just a bumper sticker solution for a complex problem. It's a feel good plan that will have little effect in the real world.

We all know what this is about. It may be good politics, but it's bad immigration policy.

That is not what Americans want. They deserve something better than a fence.

Over and over and over again, the American people have told us that they want our immigration system fixed, and fixed now. They have told us that this complex problem requires a comprehensive solution. The American people want tough but fair laws that will strengthen our borders and crack down on employers who hire undocumented workers, but at the same time provide a practical solution that will allow undocumented immigrants to become taxpaying legal workers who perform tasks needed by our economy.

Today or tomorrow, this Republican Congress will recess for the elections, and leave this issue still unresolved.

I hope that we can use the next few weeks productively to work together on compromises that can be adopted when we return in November.

What is the solution? How do we control our borders effectively? How do we restore the rule of law and make sure that immigrants come to this country with a visa, not with a smuggler?

The bipartisan bill passed by the Senate is the only practical way to cure

what ails us. The only way we can truly bring illegal immigration under control and achieve border security is to combine enforcement and border protection with a realistic framework for legal immigration.

It's obvious that we have insufficient legal avenues for immigrant workers and families to come to this country, and no path to citizenship for the 12 million undocumented workers and families already here. The problem is fueling a black market of smugglers and fake document-makers, to the peril of citizens and immigrants alike.

Rather than saber-rattling, chest-thumping, and ranting, the American people would like to see both parties and both Houses of Congress come together to negotiate a realistic and enforceable policy for immigration.

Piecemeal proposals won't work. They will only make a bad situation worse. Those who are here illegally will not leave, but will go deeper underground, and those seeking to enter will take even more dangerous routes and be less likely to survive. Employers will have an unstable workforce of men and women who are afraid to speak up when abused. The dysfunctions and pathologies of the current failed system will continue to worsen.

On this specific proposal for a fence, let's consider the facts:

Never mind that months ago the Senate voted to approve a 370-mile fence exactly what Secretary Chertoff said he needed for targeted urban areas.

Never mind that the Senate has voted to fund the fence Secretary Chertoff requested. It is in the appropriations bill for the Department of Homeland Security that we will pass this afternoon.

Never mind that DHS has not requested additional fencing. Last week, in promoting his "Secure Border Initiative", Secretary Chertoff said, "What we are looking to build is a virtual fence, a 21st century virtual fence . . . one that does not involve old-fashioned fencing."

Never mind that fencing is manpower intensive—you need border patrol agents to continuously monitor them to apprehend illegal crossers. But this bill will require DHS to construct up to 850 miles of fencing in remote, desolate areas, in desert and wilderness areas, and even across rivers—where it will serve no security purpose whatsoever.

Never mind that it will cost billions of dollars. The Congressional Budget Office estimate the cost at roughly \$3 million a mile, which may be on the low end—the first 11 miles of the San Diego fence cost \$3.8 million a mile and the final 3.5 mile section cost approximately \$9 million a mile.

As the Congressional Research Service recently noted, the costs may be even higher. You need to take into account the terrain, land acquisition, environmental planning, private contractors, double layering, fence design, procurement costs and a number of other factors. We also can't forget the annual

maintenance costs, which could be as high as \$1 billion a year.

Never mind that fences don't work. Undocumented immigrant entries have increased tenfold since the strategy of fencing was introduced in the mid-1990s. Since that time, the probability of apprehending an unauthorized border crosser fell from 20 percent to 5 percent. The United States now spends \$1700 per border apprehension, up from \$300 in 1992. San Diego's wall has been a boon for the smuggling industry, and increased the loss of immigrant lives by shifting entry to the desert.

Never mind that fencing will do nothing to stop the 40-50 percent of the people currently in the United States who entered the country with legal visas and have now overstayed their visas.

Never mind that fences won't keep out criminals or terrorists. The 9/11 terrorists didn't come across the Mexican border illegally—they entered the U.S. with visas.

Never mind that fences won't stop immigrants from coming here to work. As Governor Napolitano of Arizona recently said:

You show me a 50-foot wall and I'll show you a 51-foot ladder at the border to get over it.

Narrow, shortsighted, enforcement-only proposals like a fence will never fix our broken immigration system.

We should listen to Tom Ridge, former Secretary of Homeland Security, who recently said:

Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust Temporary Guest Worker program and a means to entice those now working illegally out of the shadows into some type of legal status.

A group of former high-ranking government officials has said unequivocally:

The reality is that stronger enforcement and a more sensible approach to the 10-12 million illegal aliens in the country today are inextricably interrelated. One cannot succeed without the other.

President Bush agreed. In May, he got it right when he declared:

An immigration reform bill needs to be comprehensive because all elements of this problem must be addressed together, or none of them will be solved at all.

What the Republican leadership doesn't seem to get, is that comprehensive immigration reform is all about security: Homeland security; economic security; family security.

That is what the vast majority of our people want. They want realistic solutions that effectively protect our Nation. They don't want piecemeal, feel-good measures that will waste billions of precious taxpayer dollars and do nothing to correct the serious problems.

What can we expect in the next month?

The Republican leadership has two choices. They can bring us together to work out effective compromises for a comprehensive bill.

Or they can continue to use hard working immigrants as political pawns for November's elections.

I hope that they will not choose the politically expedient choice—to embark on another slanderous campaign, featuring more political stunts, misleading press releases, and glossy campaign ads about how tough they are on the border.

The Chicago Tribune editorial page understands this tactic. Earlier this week they wrote that "Immigrant bashing is so much easier than immigration reform."

Sacrificing good immigration policy for political expediency and hateful rhetoric is not just shameful—it is cowardly.

We have the bill to solve this problem now.

We owe the American people a serious answer on the issue, and our Republican leadership should be held accountable for their inaction and their inability to address this pressing issue facing our Nation.

Let's stop this farce. Let's stop playing politics with immigration. We know they are wrong. Their scheme will leave us weaker and less secure. We can't allow them to derail our strong bipartisan reforms.

I urge my colleagues to choose good policy over political expedience and oppose this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a document that reflects the 50 organizations that are in opposition to this particular proposal. They include the LUCAC, MALDEF, La Raza, a great number of the religious organizations and others that have expressed their views about it.

Mr. President, I further ask unanimous consent to have printed a document that includes a number of editorials in the newspapers, editorials about the fence from the Atlanta Journal-Constitution, Idaho Statesman, LA Times, and Orlando Sentinel. Then the Tucson Citizen, the Waco Tribune—a number of editorials from around the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEAR SENATOR: The Senate will soon consider H.R. 6061 PCS, the "Secure Fence Act of 2006," which has erroneously been referred to as the "fence bill." This bill goes far beyond the construction of border barriers. It provides unprecedented authorities to the Secretary of the Department of Homeland Security (DHS) "to take all actions necessary and appropriate to prevent all unlawful entries into the U.S."

The consequences of such an immense and vague mandate to the Secretary could result in policies and procedures that would adversely affect American communities at the Northern and Southern borders, and maritime states—wherever "border" might be defined. United States citizens and lawful permanent residents would not be immune to the consequences of the extraordinary powers granted DHS in this bill. We must remember that the border is not simply a delineation line; communities live along the

border and their rights must be respected. Moreover, DHS must be held accountable for actions taken in these communities.

Finally, we question the wisdom of delegating such sweeping authority to a government agency. Numerous GAO and CRS reports to Congress cite accountability and management problems at DHS, showing that DHS requires the same Congressional and legal oversight as other agencies of the government.

H.R. 6061 is a broad bill with potentially harmful consequences for American communities. We strongly urge the Senate to oppose H.R. 6061.

Signed by over 50 organizations.

EDITORIALS WARN: NO HIDING BEHIND WALLS AND FENCES VOTERS WANT LEADERS WITH SPINE, NOT SPIN

*Atlanta Journal Constitution (Editorial): 'Big fence' blunder: Immigration bill won't root out ills, but it'll fail voters. Put focus on jobs and legalization, as well as security, September 28, 2006*

The only immigration proposal that stands a reasonable chance of clearing Congress this year is a sham aimed at deceiving voters in November.

The "big fence" bill—its centerpiece is 700 miles of real and virtual fences—is a law-enforcement-only approach that ignores the economic underpinnings that have led 12 million to 14 million immigrants to live and work in this country illegally. The bill won't fix anything.

Frist believes there is a chance for a lame-duck session that might pass some of the Senate's ideas for more comprehensive reform. But his position, and that of the chamber he leads, have been irreparably harmed by going along with the House's insistence that immigration is more about security than it is economics.

*Tucson Citizen (Editorial): Our Opinion: Latest chapter in silly saga of border wall—A wall on the U.S.-Mexico border is meant to secure only one thing: the re-election of Members of Congress, September 28, 2006*

The congressional pre-election ploy of pushing construction of a border fence to make voters believe something is being done about immigration reform is a farce.

"It's not going to deter people from coming across looking for jobs, people coming to work," said T.J. Bonner, president of the union that represents most Border Patrol agents.

Time, effort and money should instead be spent on something that will work—a comprehensive immigration reform plan that includes a guest worker program and a way to deal with the estimated 12 million people already in the country illegally.

Legislation passed by the Senate earlier this year deals with those issues. It's the way to deal with this complex issue.

*Dallas Morning News (Editorial): Memo of Understanding Bush needs commitment on immigration, September 28, 2006*

Before President Bush agrees to the border security measures Congress is rushing to put on his desk, he should make sure of one thing—that House and Senate leaders are committed to taking up the other critical parts of the immigration solution after the November elections.

Without that agreement, which can be struck in private if that's the only way conservative Republicans will sign it, Americans won't get a better answer to what to do about the 12 million illegal immigrants living here and 400,000 coming annually.

Otherwise, Congress can build all the fences in the world and place agent on top of agent, and still not stop illegal immigration.

The president is right: America can't solve its immigration challenge without a comprehensive answer. He's not going to get it unless he plays hardball.

*Hartford Courant (Editorial): Immigration Politics, September 28, 2006*

Senate and House Republican leaders might as well forget about immigration legislation before adjourning for the November election. The issue is important, but illegal immigration doesn't constitute an imminent national threat. The issue deserves dispassionate consideration that's absent in this election season.

*Chicago Tribune: Border bashing, September 27, 2006*

Many of the bits and pieces are already included in the Senate's bill, but they need to be balanced by measures that address the country's dependence on immigrant labor. Take that \$2 billion border fence. Arizona Gov. Janet Napolitano has no confidence it would stop immigrants from crossing into her state illegally in search of jobs. "Show me a 50-foot wall, and I'll show you a 51-foot ladder," she has said.

The Senate's comprehensive plan is rooted in reality. It would open channels through which enough workers could arrive legally, and it would offer a way for many of the 12 million who are already here to stay.

The House is having none of that, at least until after the election. Immigrant bashing is so much easier than immigration reform.

*Orlando Sentinel: Barrier to success Our position: Building a fence along the Mexican border is not the answer to immigration reform. September 27, 2006*

With the Senate considering a proposal to build a 700-mile fence along the southern border, the symbolism is obvious: Our leaders are squeezing themselves into a corner regarding serious immigration reform. The enforcement-only concept echoes the sentiments of the House, which passed a similar bill earlier this month. Bipartisan support is a good thing when addressing viable solutions. This isn't one of them.

Several members of the Senate, including Mel Martinez of Florida, have concerns about the cost of fencing and mandating locations without consulting state and local governments. Building a fence also endangers the chances for comprehensive reform because the House will not be motivated to move from its position. Meanwhile, the dicey issue of how to effectively get a handle on an estimated 12 million illegal immigrants in the United States remains unanswered.

*Santa Fe New Mexican: Playing with figures to close our borders, September 27, 2006*

In its rush to pass a slam-the-door and fence-'em-out immigration bill, some members of the House of Representatives are touting the measure's fiscal responsibility. One Senate version of immigration reform, moribund for the moment amid the border-wall debate, but still salvageable, includes provisions that would give undocumented workers a chance to work here legally—a notion also supported by President Bush, the former Texas governor.

We can't afford it, say representatives touting instead a 700-mile addition to the border fence, forgetting for a moment that so much steel and concrete carries its own li'l cost. Instead, they pull out a study by the Congressional Budget Office saying that the Senate bill would set our country back by more than \$120 billion over 10 years. Even that amount is chicken feed compared with the cost of our Iraq invasion. But it turns out that they're fudging those figures. Robert Greenstein and James Homey of the Center on Budget and Policy Priorities recently reported what they figure is the real cost of sensible immigration reform:

Nothing—or maybe even a slight monetary gain.

*(Tucson) Arizona Daily Star: Border series' findings are a call to reason*

Our view: We believe it demonstrates that building fences would accelerate havoc without halting illegal immigration, September 27, 2006

The Star sent a six-member investigative reporting team to the U.S.-Mexican border for three weeks this summer. It explored the border's geography, ecology, economy and culture from the Pacific Ocean to the Gulf of Mexico.

The results of the Star team's work, which has been presented during an in-depth, four-part series that began Sunday and concludes today, came to a single conclusion: Sealing the border won't work.

*South Florida Sun-Sentinel: Immigration, September 27, 2006; Issue: Some "reforms" move forward.*

Why is all this important? Because while hardliners in Congress have demanded tough immigration reform year after year, they haven't provided the funding to support those efforts. As a result, Americans are right to be skeptical that the attention on immigration reform, which leaves out resolving the status of those undocumented immigrants already in the country without permission, is more about November politics than sound public policy.

Bottom Line: Half-measures and poor funding suggest playing politics is the priority here.

*Lovell (MA) Sun: Political posturing, September 27, 2006*

The U.S.-Mexico border-fence proposal is midterm election posturing by politicians hoping to come across as tough on illegal immigration. U.S. Rep. Marty Meehan was exactly right when he said the Secure Fence Act does nothing to protect our borders; instead it delays long-overdue, comprehensive immigration reform.

Regrettably, House Republicans this summer blocked a broader immigration overhaul spearheaded by U.S. Sens. Ted Kennedy, D-Mass., and John McCain, R-Ariz. Their plan holds out the promise of fixing a broken system while bringing honor to the American people for trying to help those seeking a better quality of life.

*Philadelphia Inquirer: Immigration Reform: Congress' sound and fury, September 26, 2006*

After doing almost nothing, and as session's end looms before an all-out sprint to Election Day, solons want to have "something to show" prospective voters.

So they're throwing up a wall—or at least the Secure Fence Act. They hope voters think it's proof they're doing something. It's not. As mural art goes, this bill's a white-wash, a smear, legal wallpaper. A leaky, look-nice wall just won't substitute for real, hard work. To Congress: Cut the vague talk of "filling in the blanks" once you return. There are far too many gaps in the wall. If you don't really address immigration, voters should brick you up and wall you out of Washington.

*New York Times: Immigration Reform, in Pieces, September 26, 2006*

Republican leaders want you to think they are hard at work overhauling the broken immigration system in the last days before going home. But don't be fooled by the noise and dust. These are piecemeal rehashes of legislation the House passed last December. . . . Once again it's up to the Senate to resist the restrictionist free-for-all. Republicans have been trying to make this difficult by seeking to slip their toxic measures into

must-pass bills for the Homeland Security and Defense Departments. The senators who have held out for comprehensive reform, which includes giving immigrants a realistic way to work and get right with the law, must stick together to defeat the House campaign.

*Seattle Times: Broad immigration reform, not fences, September 26, 2006*

Immigration reform is urgent, but not so urgent the U.S. Senate should abandon its responsible approach and embrace short-sighted House bills this week.

That appears to be Senate Majority Leader Bill Frist's plan as he presses for a vote just weeks before a contentious election. He wants the Senate to vote on items common to the House's enforcement-only approach and the broader Senate version. But that would leave out a critical element for meaningful immigration reform.

Judiciary Committee Chairman Arlen Specter is right to resist Frist's approach and insist on a common-ground compromise. The Pennsylvania Republican has been a wise voice for a holistic approach to the dilemma that is immigration reform. . . . The other senators who voted for the broader bill should hold their ground.

*Idaho Statesman: Our View: Fence is hardly immigration "reform", September 26, 2006*

If Congress fails to pass meaningful and realistic immigration reform this session, voters should hold lawmakers accountable for their embarrassing performance. Voters should not be swayed by tough talk that doesn't even come with the spending commitments needed to back it up.

Yet, as Congress gets ready to adjourn for the year—and return home for the November election—the centerpiece of immigration "reform" could well be a 700-mile fence built along the U.S.-Mexican border.

*St. Petersburg Times: Fence fallacies: On immigration, Congress can't get beyond simplistic solutions, September 26, 2006*

Beware of members of Congress offering simplistic solutions to complex problems days before leaving town and just weeks before an election. That's what is happening on illegal immigration. . . .

While a fence on certain stretches of border might be part of an overall security plan, to suggest that it solves any significant portion of the immigration puzzle is a ruse. Congress doesn't have the backbone to address the real issues and honestly negotiate the differences between a narrow House bill that addresses border security and a more comprehensive Senate bill that also provides an avenue to citizenship for some of the illegal immigrants who are already here.

A recent poll found that 1 person in 4 approves of the way Congress is handling its job. Is that person paying attention?

*Boston Globe: Good fences make bad law, September 25, 2006*

President Bush has said he would sign the House-backed bills as "an interim step." And Senate majority leader Bill Frist has called the fence bill a "first step." This is a tactical error. If enforcement-only bills pass now, the House will have no motivation to follow up with real reform.

The Senate should vote down the fence bill, which it is expected to take up this week, and similar short-sighted House bills. There's still a chance to make history instead of self-serving headlines.

*Santa Cruz (CA) Sentinel: As We See It: Getting tough not enough on immigration, September 25, 2006*

Yes, border security must be improved. But if nothing more than walls and fences and more enforcement happens before November, then both the Senate and House, and

President Bush, must start over on meaningful immigration reform in 2007.

The real answer is to provide people who want to work a way to get to America, even to stay here, to fill jobs that need workers. Providing for such immigrants is an American value that should be a campaign issue. *San Diego Union-Tribune: Running scared GOP leadership warily awaits voters' verdicts, September 25, 2006*

Predictably, lawmakers are focused like lasers on getting over that hurdle and either keeping power or taking it. That's not what they should be concerned about. The public is furious and frustrated with the folks they hired to represent them. And, it seems to us, public servants should be responsive to that and make it a point to do things differently from here. Not because it would spare them one fate or another in six weeks, but because the demands of leadership require it.

Above all, they should learn the real lesson in all this—that it's better to roll up your sleeves and do something and try to make it work than to do nothing and hope no one notices. Because someone always does.

*Miami Herald: Wanted: effective, comprehensive reform Immigration: Our Opinion: Reject Punitive Bills, Political Games, September 24, 2006*

The resurgence of these measures only confirms that the bipartisan push for comprehensive reforms, led by the Senate, is dead this year. What's left is a misguided move by Republican House leaders trying to maintain their majority. Their goal is to gain political capital in November elections by passing punitive immigration laws.

Yet both parties risk a voter backlash by not addressing the central immigration issue: that the U.S. economy creates more jobs than natives can fill. When Americans see unpicked crops rotting (as has happened with Florida oranges, California pears and Idaho potatoes), restaurants' stacked-up dirty dishes and unmanned construction sites, they should hold Congress accountable. These objectionable bills will make matters worse:

*L.A. Daily News: Inde-fence-ible: Fixing immigration problem requires a lot more than a fence, September 24, 2006*

While it's too late for comprehensive immigration reform before the midterm elections, the fence can't be the last word on immigration reform. U.S. lawmakers must not be allowed to let this issue fade because of its political difficulty.

Of course, the safety and security of Americans means that we must have some sort of control over the borders, and have a reasonable knowledge of who is in the country. But we also need a sane system of bringing workers to the United States for agriculture and other jobs traditionally held by immigrants, as well as a way to bring the illegal immigrants here out of the shadows.

*The (Nashville) Tennessean: Fence sign of failure on immigration issue, September 24, 2006*

With no practical use, the fence will be a constant, costly reminder of Congress' failure on immigration. And so this nation's lie will continue: As politicians vow to take measures to prevent illegal immigration, U.S. businesses and farms will keep hiring needed workers.

Senators seem to believe that a fence is better than no immigration legislation at all. But if they pass this bill, they give away all their leverage to the lawmakers—and there are plenty of them—who only want the fence because it allows them to brag about being tough on immigration without enraging the businesses that benefit from the dysfunctional system.

The Senate bill is called the Secure Fence Act; a better name would be the Whitewash Bill.

*Palm Beach Post: A fence, but no solution, September 24, 2006*

Arizona Gov. Janet Napolitano understands better than anyone in Washington the limits of fences. "You show me a 50-foot wall," she says, "and I'll show you a 51-foot ladder at the border." Last week, Boeing won a \$67 million government contract to supplement the metal fence with a high-tech "virtual fence" using cameras, sensors and unmanned planes. Eventually, someone is sure to invent the 51-foot virtual ladder.

Voters won't get anything resembling an honest debate on comprehensive immigration reform until Congress reconvenes after the election, which is the time line House Republicans want for themselves.

*Washington Post: Immigration Ugliness Without objection from the president, September 22, 2006*

The cynical immigration endgame of the 109th Congress isn't particularly surprising. But after a session in which the Senate actually managed to produce a bipartisan, comprehensive measure to overhaul the existing system, the latest, enforcement-only developments are nonetheless disappointing and dangerous. . . .

Yesterday, the House passed another batch of immigration-related measures, the worst of which would deputize state and local law enforcement officers to enforce federal immigration laws. The measure would permit, but not require, state and local police to arrest and detain illegal immigrants for even civil violations of federal immigration law. This would undermine the ability of law enforcement to deter and prosecute violent crime. As New York Mayor Michael R. Bloomberg told the Senate Judiciary Committee in July, "Do we really want people who could have information about criminals—including potential terrorists—to be afraid to go to the police?"

*New York Daily News: GOP barriers to reforms, September 22, 2006*

The 700-mile fence that the Republicans plan to build on the Mexican border at a cost of billions has a place on the immigration to-do list. But they now appear on their way to converting "enforcement first" reform into a policy of enforcement only. Some of their ideas are just plain awful.

True immigration reform—as President Bush proposed this year—would offer more opportunities for legal entry, even as the government gets tough with those who trespass. That means creating guest worker programs and giving undocumented aliens already in the country the opportunity to come out of the shadows, pay a fine and eventually earn citizenship. Only by relieving the pressure for more legal immigration can we ever hope to regain control of our borders.

If Congress fails to revisit immigration after Election Day, we'll be stuck with the illusion of reform. Millions of hardworking immigrants will be treated as criminals rather than as future citizens. And millions more will join them, fence or no fence.

*Arizona Republic: House fumbles reforms, September 22, 2006*

But lawmakers get no prize for resurrecting—piecemeal—some of the elements of the enforcement-only bill the House passed late last year. That bill sparked national protests in the spring.

If House leadership believed that approach was the solution, the House should have joined in conference this summer to resolve differences with the Senate's comprehensive immigration reform bill. That's how Congress handles competing bills.

Instead, the House rejected the hard and politically risky work of negotiation, and

held a series of lopsided presentations around the country. In Arizona, the so-called hearings were highly staged, excluded real debate and relegated the public to the status of spectator.

Now we get a flurry of enforcement-only bills that let House members crow about doing "something." It is the wrong "something."

*Wall Street Journal: The Great Wall of America, Review & Outlook, September 21, 2006*

The only real way to reduce the flow of illegal Mexican immigration is to provide a legal, orderly process to match open American jobs with workers who want to fill them. Mr. Bush is for that, and so is the Senate, but House Republicans have concluded that they're better off building fences. When Ronald Reagan spoke of America being a "shining city on a hill," he wasn't thinking of one surrounded by electrified barbed-wire fences.

*Los Angeles Times: Tear Down This Wall Bill, A 700-mile fence without comprehensive reform does nothing to address the root causes of illegal immigration, September 21, 2006*

A wall is fine, but not by itself. Addressing border security alone won't fulfill the economy's need for a legal supply of labor, and it will leave millions of illegal immigrants already here hidden in a vast underground. And fence or no fence, the 45% of illegal immigrants who overstay legal visas instead of returning across the border would continue to do so.

If the Senate passes piecemeal enforcement measures, it will erode its ability to negotiate a more comprehensive approach with House leaders who myopically insist on treating immigration solely as a law enforcement issue

*San Antonio Express-News: Fence along border only half a solution, September 20, 2006*

But until the House is willing to work out its impasse with the Senate—and the White House—over a comprehensive immigration overhaul, any suggestion that a fence alone will stop the bleeding is merely wishful election-year thinking.

*New York Times: Immigration's Lost Year September 19, 2006*

Real immigration security means separating the harmful from the hard-working. It means imposing the rule of law on the ad hoc immigrant economy. It means freeing up resources so that overburdened law-enforcement agencies can restore order at the border and in the workplace. It means holding employers, not just workers, responsible for obeying the law. And it means tapping the energy of vast numbers of immigrants who dream of becoming citizens and who can make the country stronger.

These are huge tasks, and the anti-immigrant forces have nothing to contribute. They are out of ideas, except about getting re-elected. Their calculated inaction and half-measures mock Americans' support for comprehensive reform, which has been repeatedly confirmed in opinion polls.

*Tucson Citizen: Our Opinion: No remedy for immigration woes this year, September 19, 2006*

Indeed, if U.S. representatives believe a 700-mile fence will shut down immigration along our 2,000-mile border, we have a swell bridge we'd like to sell them.

What would a border fence cost? At least \$2.2 billion—enough to add 2,500 Border Patrol agents for five years, or to increase by 15 times U.S. spending on economic development in Mexico over the next five years. . . .

The push for a fence is political, not productive.

We urge House members to forget about appealing to voters and focus on a realistic,

effective and comprehensive approach to reform our illegal immigration policy. Nothing will improve until they do.

*The (Springfield, MA) Republican: With eye on elections, House votes on fence, September 19, 2006*

There has been much nonsensical talk around the matter of illegal immigration. And now there's been an extraordinarily nonsensical vote to go with all that blather. *Waco (TX) Tribune: Border fence more stunt than solution, September 18, 2006*

On a vote of 283-138, the House passed a Republican-written bill authorizing the construction of about 700 miles of fence along the 2,000-mile border with Mexico.

That's it. Shell out more than a billion tax dollars to build a partial fence along the U.S.-Mexico border. This legislation doesn't come within shouting distance of meaningful.

Voters should consider the unfunded partial-fence bill passed last week by the House as little more than an election-year stunt.

*San Francisco Chronicle: Border fences— and fantasies, September 17, 2006*

So when House Speaker Dennis Hastert, R-Ill., said last week that "Republicans believe we can have a no-penetration border" and that "if we build a fence, they will no longer come illegally," he was operating in the realm of politics, not reality.

What's needed is a far more sophisticated response to the immigration problem. A fence is likely to exacerbate the problem rather than resolve it.

*Orlando Sentinel: Stall game, September 17, 2006*

It's time the House and Senate tear down the partisan fencing that keeps America divided, and find a solution to a problem that is theirs—and theirs alone—to fix.

*Inland Valley Daily Bulletin (Ontario, CA): Border policies review welcome, but fence is not, September 17, 2006*

The fence strikes us as pre-election pandering so that lawmakers can go home to their districts and say they're cracking down on illegal immigration. But a wall won't cut it, if history is any guide.

*East Valley Tribune (Scottsdale/Mesa, AZ): A meeting at the fence, September 17, 2006*

Just as the 1986 reforms failed to stop illegal immigration because promised border and workplace enforcement didn't follow, a single-minded approach now to this complex program would drive illegal immigrants and human smugglers to take even greater risks to scale fences and sneak past border agents, while ignoring a huge shadow underclass of people living and working among us.

Arizona and all Americans deserve better from Washington.

*Boston Herald: House hammers its message home, September 16, 2006*

The House had an opportunity to achieve real reform on immigration, but the hard business of negotiating a compromise with the Senate doesn't make for a pithy campaign slogan. Easier to say "I voted in favor of a fence along the border. Twice."

*South Florida Sun-Sentinel: More 'part' measures on immigration, September 16, 2006*

Congress has had plenty of time to address this issue, but has chosen to use it as a political football in the upcoming elections. Now the GOP leadership says it wants changes approved in bits and pieces.

Piecemeal approaches, however, are what stymied immigration reform in the first place.

*Lompoc (CA) Record: Immigration, long fences and workers, September 15, 2006*

This nation needs immigration reform and secure borders, but it needs a law that makes

sense. Building a new fence doesn't make sense, and will only line the pockets of fencing contractors, while having little or no effect on the flow of illegal immigrants.

*The Tennessean: Why no immigration bill?, September 12, 2006*

Leaders from both parties vowed that 2006 would be the year for immigration reform. Yet by their inaction, members of Congress have marked 2006 only as the year for immigration rhetoric.

The House and Senate have passed vastly different versions of immigration reform. Leaders now say that the differences are too great to be reconciled.

That's not true. Both bills include serious provisions about border security. Those provisions create enough common ground for Congress to reach compromise on other elements, including a guest worker program.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

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

Mr. KENNEDY. Mr. President, could I ask for 2 minutes?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### NATIONAL INTELLIGENCE ESTIMATE—IRAQ

Mr. KENNEDY. Mr. President, to bring to the attention of the Senate, during the consideration of the DOD appropriations, I offered an amendment with my colleague Senator REID about an NIE for Iraq. We have not had an NIE—National Intelligence Estimate—just for Iraq. The one that has been printed in the newspapers, or the reports in the newspapers have been an NIE about global terrorism, of which Iraq was a part, but we have not had an NIE on Iraq in the last 2½ years. This was accepted in the conference report.

Yesterday I sent a letter to Mr. Negroponte, with Senator ROCKEFELLER, Senator LEVIN, Senator BIDEN, Senator REID, and Senator REED, urging him to move forward. It outlines the areas to be covered in the assessment. I had that letter printed in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have four unanimous consent requests that I think have been cleared. I also want to reserve time for Senator LEAHY and Senator CORNYN, after the unanimous consent request, to say whatever they wish to say.

#### WRIGHT AMENDMENT REFORM ACT OF 2006

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 563, S. 3661.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3661) to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transpor-

tation to and from Love Field, Texas, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. FINDINGS.

The Congress finds the following:

(1) The Dallas-Fort Worth region is served by two large airports, Dallas-Fort Worth International Airport and Love Field. American Airlines and Southwest Airlines each have their headquarters, respectively, at these two airports.

(2) Dallas-Fort Worth International Airport ranks fourth nationally and had more than 28 million enplanements in 2005. Love Field ranks fifty-sixth and had nearly 3 million enplanements in 2005.

(3) The history of the development and creation of the Dallas-Fort Worth International Airport and the subsequent use of Love Field has been one of continuous disagreement, frequent litigation, and constant uncertainty within the local communities. As a result of these factors, this has been the only time that Congress has intervened, with the consent of the local communities, to promulgate specific rules relating to the scope of a locally owned airport. Having done so, the dispute cannot end without a change in federal statutes. Therefore, Congress recognizes the completely unique historical circumstances involving these two airport and cities and the previous unprecedented history of legislation. This legislation is based on the compelling consensus of the civic parties to resolve the dispute on a permanent basis, assure the end of litigation, and establish long-term stability.

(4) In 1979, Congress intervened and passed legislation known as the Wright Amendment which imposed restrictions at Love Field limiting service from the airport to points within the State of Texas and States contiguous to Texas. Congress has since allowed service to the additional States of Alabama, Kansas, Mississippi, and Missouri. At the urging of Congressional leaders, local community leaders have reached consensus on a proposal for eliminating the restrictions at Love Field in a manner deemed equitable by the involved parties. That consensus is reflected in an agreement dated July 11, 2006.

(5) The agreement dated July 11, 2006, does not limit an air carrier's access to the Dallas Fort Worth metropolitan area, and in fact may increase access opportunities to other carriers and communities. It is not Congressional intent to limit any air carrier's access to either airport.

(6) At the urging of the Civil Aeronautics Board (CAB), the communities originally intended to create one large international airport, and close Love Field to commercial air transportation. Funding for the new airport was, in part, predicated on the closing of Love Field to commercial service, and was agreed to by the carriers then serving Love Field. Southwest Airlines, created after the local decision was made, asserted its rights and as a result a new international airport was built, and Love Field remained open.

(7) Congress also recognizes that the agreement, dated July 11, 2006, does not harm any city that is currently being served by these airports, and thus the agreement does not adversely affect the airline industry or other communities that are currently receiving service, or hope to receive service in the future.

(8) Congress finds that the agreement, dated July 11, 2006, furthers the public interest as consumers in, and accessing, the Dallas and Fort Worth areas should benefit from increased competition.

(9) Congress also recognizes that each of the parties was forced to make concessions to reach an agreement. The two carriers, Southwest Airlines and American Airlines, did so independently, determining what is in each of their interests separately. The negotiations between the