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## Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARY LANDRIEU, a Senator from the State of Louisiana.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, whose love upholds and sustains us, thank You for revealing Yourself to us through the faithfulness of the people we see each day. Today, we think of our Senators who labor for liberty. Thank You for their dedication. Thank You, also, for our doorkeepers, who use exceptional diplomacy to assist the visitors who seek to view the legislative process. Thank You for our Senate pages, who remind us that we can excel in serving even in life's morning and that You are honored by youthful enthusiasm.

We express our gratitude for the many staffers who serve with unsung heroism behind the scenes. Bless all who serve You faithfully and whose work helps make our lives meaningful.

Lord, we pause this morning to remember our friend and colleague, Senator CRAIG THOMAS. Console us, console his family, and console his staff during this time of grief. We pray all this in Your comforting Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARY LANDRIEU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MINORITY LEADER

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

### REMEMBERING SENATOR CRAIG THOMAS

Mr. McCONNELL. Madam President, a visitor to the rodeo in Cheyenne, WY, just last summer would have seen a strong, confident, 73-year-old man holding the reins under a cowboy hat riding past the grandstand with a smile. A few weeks earlier, visitors to rustic Cody, WY, would have seen the same tough cowboy riding down Sheridan Avenue in the Cody Stampede Parade. Just a few days ago, a tourist here in Washington, getting an early start on the monuments, could have seen CRAIG LYLE THOMAS racing off 395 near the 14th Street Bridge in another kind of Mustang on his way to the Capitol for a hard day's work.

In recent years, CRAIG THOMAS led an effort here in the Senate to honor the deeds and the spirit of the American cowboy, and his very full American life came to a sad end last night. We, his friends and colleagues, remember him as the modern-day embodiment of the cowboy ideals he celebrated and loved.

He was raised on a ranch just outside Cody, the rodeo capital of the world, in the Big Horn Basin, a windy town in

the northwest corner of the Cowboy State. He grew up in the shadow of Heart Mountain to the north and Carter Mountain to the south and under the memory of Cody's founder, William Frederick Cody, known to history and to schoolchildren from Butte to Boston as Buffalo Bill.

He was a humble man with an adventurous spirit from a lonely corner of the country who put his family, his country, and his State above all else. He served as a marine from 1955 to 1959, retiring as a captain. He married a woman with a generous heart. My wife Elaine is a good friend of Susan's, and one of the joys of Elaine's time in the last few years was being invited out to Susan's school to speak to her students.

CRAIG was the proud father of four children—Lexie, Patrick, Gregg, and Peter—who today mourn their father's death.

CRAIG was as much at home on horseback, roping, and ranching, as he was in a committee hearing room. How many times he must have daydreamed about being back home, out of a suit, with a rope in his hand and a steer in his sights.

CRAIG had served in public office 22 years when he fell ill at a church service with Susan last November in Casper. Shortly after that, the people of Wyoming elected him to his third term in the Senate, with 70 percent of the vote. A born fighter, CRAIG's doctors said he would be back here in January. He beat their predictions by a month. He was here in December. CRAIG suffered quietly over the last half year, as all of us hoped for the best. It wasn't to be.

Every year, CRAIG pressed for a day that would memorialize the iconic status of the cowboy in American history, a day that honored their courage, hard work, honesty, and grit. I can think of no better way of honoring that spirit than by honoring this man who embodied it to the fullest. By his devotion

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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to family, country, constituents, and friends, CRAIG LYLE THOMAS showed us what it means to be an American. He embodied the best ideals of a Wyoming cowboy and made the Senate and those who had the privilege of knowing him far better for it.

We mourn with Susan, CRAIG's children, and CRAIG's staff here in the Senate. We honor them today, too, for their model of professionalism and caring concern they have shown over the last difficult months. We will miss CRAIG terribly, his calm toughness, his drive, and his cowboy spirit, but we are consoled by the thought that he will ride again, restored in body and flashing a smile as he goes.

#### RECOGNITION OF THE MAJORITY LEADER

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

#### REMEMBERING SENATOR CRAIG THOMAS

Mr. REID. Madam President, I appreciate the remarks of my distinguished counterpart. I think his words convey how we feel about CRAIG THOMAS.

Madam President, we hear it often said that this is a Senate family, and it is times such as these when we do realize we are a family, a very small family of just 100—99 today.

I can remember early last December I called and talked to CRAIG in the hospital, and he said: I am getting better. And he was. He did get better. It just didn't last, and we all feel so bad about that.

I remember CRAIG THOMAS for his legislative efforts. Wyoming, like Nevada, is a public land State. Wyoming has a lot of public land issues dealing with Federal agencies. I see his colleague here, MIKE ENZI, and I can remember working with them on an issue which, to most people, seemed like not much, but to the two Senators from Wyoming and to the Senator from Nevada, it meant a lot. We were dealing with a place called Martin's Cove, and even Senators from Utah were called in to see if we could resolve this, and we were able to resolve it eventually. But CRAIG was really tough when it came to public lands issues.

I can remember, as can Lula, whom we all know, CRAIG THOMAS' persistence on a piece of legislation on an issue dealing with the potash of a mining company in Wyoming. He would ask us if we had been able to get it cleared. If he asked us once, he asked us 50 times, and we eventually got it cleared. I worked hard on this side for that for a couple of reasons: First, it was the right thing to do, and second, CRAIG wanted it so badly. So we were able to work that out.

I will miss CRAIG THOMAS. CRAIG THOMAS was the kind of person with whom I liked to deal. He told you how he felt—he wanted this done; he didn't

want that done. I recognized that he was very proud of being a Senator.

I would have to say, however, that he was just as proud of being a marine. His Marine Corps service was certainly commendable. He was in the Marine Corps in the late 1950s, 1955 to 1959. He went in as a private and came out as a captain. He was a graduate of the University of Wyoming with a degree in agriculture, and that is why he was one of the leading experts in the Senate—in the Congress, I should say—on agriculture and, of course, issues affecting rural communities.

Madam President, I will ask for unanimous consent in just a few minutes to do away with the votes we had scheduled this morning and reschedule them for later this afternoon so people have the opportunity to come and speak about CRAIG. And those who aren't able to come, there will be a time set aside where we will recognize the service CRAIG THOMAS rendered to the State of Wyoming and to the country.

#### ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the previous order governing the consideration of the immigration legislation be delayed until 2:15 p.m. today and the time between 2:15 p.m. and 3:30 p.m. be divided equally between the managers and the amendment proponents, with the votes occurring beginning at 3:30 p.m., with all other provisions of the previous order remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period of morning business until 12:30 p.m., with Senators permitted to speak therein, after Senator ENZI completes his remarks immediately following mine, for up to 15 minutes each—Senator ENZI can speak for whatever time he feels appropriate—that at 12:30 p.m., the Senate stand in recess until 2:15 p.m.; that upon reconvening, the Senate resume consideration of S. 1348, the immigration legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MOMENT OF SILENCE IN MEMORY OF SENATOR CRAIG THOMAS

Mr. REID. Madam President, I ask that the Senate now stand for a moment of silence in recognition of Senator CRAIG THOMAS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Moment of silence.)

Mr. REID. Madam President, I ask that you now recognize Senator ENZI.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

#### REMEMBERING SENATOR CRAIG THOMAS

Mr. ENZI. Madam President, when my plane touched down last night, I received an e-mail that told of the fate of a great man. It was a tremendous surprise to me. I just completed a week in Wyoming of explaining to people that he even timed his chemotherapy so he didn't have to miss votes, and what a tough and strong man he was.

CRAIG THOMAS was a marine at heart, but he was a cowboy in his soul. He was quiet, he was focused, he was independent, he was hard-working. He loved the Senate and he loved the Marines and he loved his horses. The flags have been lowered, and there is a great deal of sadness in our hearts today as we mourn his loss and celebrate his life. I have had a lot of thoughts, but I haven't had a chance to put them together. They come gushing back, together with a lot of tears.

For those of us from Wyoming, CRAIG THOMAS was more than just our Senator. He was our voice in the Senate, and he was never one to back off from a fight, especially when he was battling for two things most dear: what was best for Wyoming and what was best for America.

CRAIG had long Wyoming roots, and he was very proud of them. He grew up in Cody and became friends with Al Simpson. Later on the two of them would serve together in the Senate. After he graduated from the University of Wyoming, he immediately began his service to the country he loved. He joined the Marine Corps. I am convinced that experience helped to shape his character and molded his destiny. I think his steely resolve and firm will took shape during those days that helped guide him and prepare him for the battles that would come later in his political life.

When CRAIG's service in the Marine Corps was through, he began what was to be his life's work, which was serving the people of Wyoming to ensure their best interests were taken care of and their needs were addressed.

His first efforts for Wyoming brought him to the Wyoming Farm Bureau and the Wyoming Rural Electric Association.

He was proud of his service with both of these organizations. It kept him actively involved in issues that meant a great deal to him and, more importantly, it kept him in touch with the people of Wyoming and their day-to-day problems. It also set him on the road to doing anything and everything he could to make life easier for his fellow citizens in Wyoming.

I remember the days we served together in the Wyoming House. I was a mayor and had municipal electrical experience. He was with the rural electric association. We worked a lot of electrical bills together at that time. We

could bring in both perspectives, find the middle ground, and make sure all of the people, rural and urban—I use the term “urban” for Wyoming rather loosely, but urban—would be able to have low-cost and consistent electricity.

Nobody knew energy or electricity better than CRAIG. That led him to run for the Wyoming House. DICK CHENEY was appointed Secretary of Defense, and CRAIG ran for it and won his seat. It was not an easy victory, but it showed what a fighter and battler he was as he took on that challenge, which was done in a relatively short period of time. The executive committee just has a few days to select candidates, and then there is a very short time for an election for the position in the Wyoming House. He used his usual toughness, went around the State, talked to everybody, and won that election.

Incidentally, the person he ran against in the primary, Tom Sansonetti, became his chief of staff, which shows how people get along in Wyoming.

To no one's surprise, CRAIG focused on Wyoming issues in the House and he was reelected. Then when Malcolm Wallop decided to retire, CRAIG was such a popular choice he didn't have any opposition in the primary. He did face another battle in the general election, but once again his fighting spirit prevailed and he found a way to win. Interestingly enough, the person he defeated in the general election was a very popular Governor of Wyoming who was just ending his term. That Governor was later appointed Ambassador to Ireland by President Clinton. To CRAIG THOMAS's credit, the hearing was scheduled for that ambassadorship before the papers ever got to the Capitol. Ambassador Sullivan did a fantastic job in Ireland.

He won the Senate seat, and 2 years later I ran for the Senate and serve. He is one of the few Wyoming residents who ever served both in the House and in the Senate. It has not been a tradition in Wyoming to move from the House to the Senate. I was elected and then got a chance to work with him again. He was a remarkable man of vision on how to make Wyoming and our country better places to live. He spent a good deal of his time traveling Wyoming. He was one of the most ardent travelers we have ever had in the Senate, going back virtually every weekend, traveling to a different part of the State, talking to people and trying to get their vision for the future.

One of his efforts on that was called Vision 2020. He challenged the people of Wyoming. He stretched the people's imagination on what our State ought to be like in the year 2020. That was in 1998, but we are getting a lot closer to 2020, and I think the State is moving toward the vision that he predicted at that time. It was a goal he cherished and fought for. Many of the things he envisioned, or the people of Wyoming

envisioned, have been achieved through his efforts on the Senate floor.

CRAIG THOMAS will long be remembered as one of Wyoming's toughest and fiercest advocates. CRAIG knew that much of our work gets done in committees, so he pursued those committees that would help him fight for Wyoming in the Senate. He served on the critical Finance Committee. He was a staunch fiscal conservative, and he believed very strongly that people in Wyoming and across the Nation know better how to spend their hard-earned money than does the Federal Government. He used his position on the committee to lighten the tax burden and to make our Tax Code more fair.

He was the ranking member on the Indian Affairs Committee. He served as chairman of the National Parks Subcommittee where he was a tireless advocate for our park system. I think he visited most of the parks. Earlier, when our Republican leader was talking about horseback, it was even possible sometimes to see him with the park policemen on horseback taking a look at the parks of the Capitol.

I would mention also that usually when you saw him on horseback you also saw his wife Susan on horseback. She was a tireless traveler and an outstanding campaigner and another person who searches for the visions of Wyoming. In parades, they always rode horses. They had special saddle blankets that helped to say who they were—as if people in Wyoming wouldn't know who they were. I would mention that she was thrown from a horse a couple of times, too. Bands and horses don't always go well in hand. But, as CRAIG always said, she was the real campaigner in the family. She actually liked it. She does a marvelous job for our State, as well as did CRAIG.

CRAIG was very active on all of the agricultural issues and international trade, particularly country-of-origin labeling. He supported our cattlemen with grazing rights and responsible environmental quality incentive programs for runoff issues. He has worked tirelessly to get changes in the Endangered Species Act. He realized that was a national program with national goals and it should not punish individuals or counties or even the States, and that there ought to be responsibility at the Federal level.

With energy, he was the lead sponsor of our soda ash royalty relief bill. He was the lead sponsor on the recreational fee demonstration program that allowed the national parks to keep a higher percentage of the receipts that were received on public lands where they were collected, and he specifically made efforts to include section 413 of the Energy Policy Act, which authorizes Federal cost-share for the building of a coal gasification project above 4,000 feet. That would help get a clean coal plant built in Wyoming, which would prove the technology with Wyoming coal at high alti-

tude. We have huge resources of coal. We ship over one-third of the Nation's coal—over 1 million tons a day.

The reason we ship so much coal is because it is very low sulfur. He was providing a mechanism to be able to have some assurance that coal gasification of this clean coal would be included in projects that we did in the United States. It would help to prove the technology at high altitude and show its viability and would make a difference for all the United States in all their energy in the future.

He was also instrumental in writing the electricity title of EPAct. Recently, his efforts to get a coal-to-liquids section of whatever Energy bill we will be debating, although unsuccessful thus far, advanced the debate to the furthest point it had moved.

During the last FAA reauthorization, CRAIG was very instrumental in radar upgrades for the Jackson airport, which was imperative for the growth of the city and airport, especially related to tourism. I think Jackson is the only city in Wyoming that has long distance direct flights. Most of them come through Salt Lake or Denver or Minneapolis. But Jackson actually has flights that come from Houston and Atlanta direct.

He also did a lot for Wyoming with two big transportation authorization bills to ensure that the large land area, low-population States, received a fair amount of highway funding. As I mentioned, on fiscal issues he was a staunch conservative who believed the people knew how to spend their money better than the Federal Government.

A few months ago, CRAIG shared his medical situation with us. He was in for another difficult fight, but he was used to them. He has been a battler all his life. He took the fierce determination that he learned as a marine and brought it to this latest battle against leukemia. Unfortunately, it was a battle this great fighter was not to win.

Although that last battle of his life was lost, there were so many victories in his life that we will long remember. CRAIG died as he lived, with his spurs on, fighting for Wyoming to the very end. I am sure we all have our favorite instant replay memories of CRAIG and his unique style.

I have always believed you can get a lot done if you don't care who gets the credit. That was CRAIG—never one to seek the limelight or to draw attention to himself. He was the one working in committee to assure that the voices of the Wyoming people and America were heard and heard clearly.

For me, I will always remember CRAIG's spirit, for his spirit in life was a great illustration of the spirit of Wyoming. His life became a living portrait of the American West. He saw the world from the saddle of his horse and from under the brim of his cowboy hat. He was proud of Wyoming and Wyoming was proud to be represented by him.

CRAIG was my senior Senator. He was my confidant and mentor. But most of

all, he was a very good friend. Diana and I will always feel appreciation for the fact that CRAIG and Susan made us part of their family. Our prayers are with Susan and their family during these difficult times.

I will miss him. But because he was such a special presence in my life and the lives of so many others, I have a long list of instant replay memories I will always cherish of him: the times we were out on the campaign trail, the legislation we worked on together and, more importantly, the impact he had on my life personally, as he had on so many others.

Wyoming is a different place today because of this great loss of ours. There is great sadness in the State and also great joy as we celebrate the life of one of our special citizens. He was with us for all too short a time, but he will never be forgotten.

I received a book called "give me Mountains for my Horses," by Tom Reed. But what I always ask for is that they give us men to match our mountains and our horses—and that would be CRAIG.

I want to share just a little piece of this because I know that CRAIG is already riding in a far better place. It says:

There is a taste to this place, this time. Nothing is behind you. Everything is ahead. But you don't really think about what is ahead, you only think of now, for this partnership you have entered into is one of the moment, of now. Now has you in a saddle on a bay horse, heading up a trail of pines and spruce and mountain, of stream and meadow.

Behind you, connected by only your hand and a lead rope but carrying everything important to you, is another bay horse, an almost identical match to the one you are riding. You call them nicknames as if they were human compadres, drinking buddies. You cluck and coo and talk to them as if they give a damn about what you have to say. You think they do and maybe, just maybe [they do].

Right now they are stepping out, heads nodding, down the trail and through the stream and all you have to do is ride. So you ride.

That evening as dusk brings the mosquitoes out of the willows—the same dusk that put the horse flies to bed—you choose a camp. It is a good place, save for the bugs, with room for the horses in the broad, deep green meadow and camp back against the lodgepoles and your kitchen down a ways. So you ease off the bay's back and stretch your muscles with that stiff-good, worked-hard feeling, and you begin to unload the pack-horse, talking to him, thanking him. In a while he has on his hobbles and is out there with his buddy, snorting contentedly in the tall grass and swishing a long, coal-black tail at the mosquitoes.

It goes like this for days, the ride, the squeak of the saddle leather, the smell of dust, the taste of it on your tongue. The smell of horse sweat and your own and the soft muzzles nuzzling you after a long day. Good camp after good camp. Muscles turning hard. Eyes becoming sharp for wildlife. And riding, always riding.

One evening a big sow grizzly and her cub cross a broad meadow far out there. A tough gal, rambling, giving you and your horses a wide berth. But still the binoculars sweat in your hands and your mouth is dry.

"Boy, what a beautiful animal."

The next morning a moose walks the same path. You have not seen another human in days but there's a jet contrail reminding you that yes, this is the modern world. You ride.

CRAIG loved the modern world. He worked hard in this body. He would have liked to have been out there in those mountains on those horses enjoying the smell and the sounds. Now he is riding. Ride on my friend, ride on.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business up until the time of 12:30 p.m., with Senators permitted to speak up to 15 minutes each.

Who seeks recognition. The Senator from Oklahoma.

#### REMEMBERING SENATOR CRAIG THOMAS

Mr. INHOFE. Madam President, I got a very early phone call from my daughter in Italy. Of course, their time is 6 hours ahead of ours, and they heard about CRAIG before we did.

I have listened to some of my colleagues talking about CRAIG. You know, there are some people you have more in common with than others. I can recall CRAIG and I both came to the House of Representatives about the same time. Then we both decided we would run for the Senate in 1994. That was a decision we made. We talked to each other and we decided that that would be the best thing for us to do and perhaps we would be able to articulate our concerns a little bit more.

He was a marine, I was in the Army. We had a lot in common. I think it was MITCH MCCONNELL or perhaps HARRY REID this morning who talked about his calm toughness, his way of expressing himself. I have always been very envious. I would come down, and I would watch CRAIG THOMAS on the floor. He would say things as antagonistically, as offensively as I would, except people loved him when he said it and they hated me when I said it. I was never able to master that. I watched him day after day, month after month, and year after year being able to do that.

I think MIKE ENZI is right when he said CRAIG THOMAS was the voice of the Senate. Let me correct Senator MCCONNELL on one thing he said. I chaired the Environment and Public Works Committee when CRAIG THOMAS was on that committee. This morning MITCH MCCONNELL said he was as much at home on a horse as he was in a committee meeting. Well, let me correct you because he was much more at

home on a horse than he would be in that committee meeting. I can remember seeing him staring off, and then I would go over and visit while some people were testifying, perhaps on the other side, and he would tell me his stories. He was a real cowboy. A lot of us ride horses in parades; he was a real cowboy and such a great guy.

Many years ago, I was mayor of Tulsa. We had our annual meeting in Ketchum, ID. I was flying a plane up there, when we were weathered in in Saratoga, WY. Saratoga, WY, is a town that Lewis & Clark came through at the bend of the river. I fell in love with that town. For the next 7 years that I served in the capacity of being mayor, I always purposefully stayed in Saratoga, WY.

I went up to him in the House of Representatives in the 1980s, and I said: CRAIG, you know when I was in—when I would stop, make my stop in Saratoga, WY, and stay at the Wolf Hotel—I might add, I would stay at the Wolf Hotel in the presidential suite; it was the only one with a bathroom in it. I told him almost everyone I would run into on the streets of Saratoga, WY, reminded me of CRAIG THOMAS. These are salt-of-the-earth people, wonderful people, people I learned to dearly love.

Kay told me this morning, when we heard about CRAIG, she said: You probably forgot this, but when you were in voting on the day that we had the spouses dinner, that was 2 weeks ago today, on Tuesday, I saw him walking across the parking lot while I was waiting for you to vote, and he was walking a little slower than usual. I said: Hey, handsome. And his whole face lit up. And he came over and he embraced Kay. That is the way that he was to a lot of people. So let me say this to Peter, Paul, Patrick and Lexie and Susan. Susan, you have some people you have heard from this morning who dearly love you and would love to have some way of comforting you. We know how difficult it is. We will pray for you, for your kids. I have to say this also, I do not think it has been said yet about CRAIG.

CRAIG THOMAS was probably the most consistent Member of the Senate prayer breakfast because he was always there. MIKE ENZI knows this because he is the chairman now. He was always there. I give the Scripture at this thing. So we knew that if we did not see CRAIG THOMAS anyplace else during the week, we would see him at the Senate Prayer Breakfast.

The Senate Prayer Breakfast is similar to a lot of these things. It is based on Acts 2:42. Acts 2:42 is the genesis of these meetings you do on a regular basis. You get together and you do four things: eat together, pray together, fellowship together, and talk about the precepts of Jesus together. We talked about the precepts of Jesus together every Wednesday morning.

That is the comfort I had with CRAIG THOMAS. Some people, you wonder if they are going to be there. But THOMAS

you didn't wonder, you knew. So, CRAIG, all I can say is, this is not good-bye, this is, "We will see you later."

I yield the floor.

The ACTING PRESIDENT pro tempore. Who seeks recognition? The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, it was with great sadness that Catherine and I learned of Senator CRAIG THOMAS' passing last night. The people of Wyoming have lost a tireless advocate and a skilled leader. Those of us in the Senate have lost a true friend and a genuine inspiration.

CRAIG and I remained close throughout our time as colleagues. I visited with him on matters pertaining to resource development and ranches probably more than any other Member of the Senate. These weren't visits concerning legislation, but simply to share experiences and to get advice.

Although CRAIG came to the Senate much after I did, he possessed a wealth of knowledge, particularly about the West. I had the privilege of marrying into a family with small ranches in Arizona. CRAIG and I talked often about horses, the problems facing ranches and cowboys, and how they can endure in today's economy.

In each of the past several years, CRAIG has introduced a resolution designating a National Day of the American Cowboy. More than any other member of this body, CRAIG recognized there is more to cowboys than roping, riding, and branding. From the Wild West to the Last Frontier, cowboys have long symbolized the spirit and determination which makes our Nation great. It was my pleasure to help sponsor CRAIG's resolutions, and this year, on July 28, we will pay special tribute to a man who truly embodied the American cowboy.

CRAIG was always mindful of the best interests of other Western States. As a Senator from Wyoming, he represented a State with a great many problems in common with those of us from Alaska. CRAIG was renowned for his legislative efforts regarding national parks. His efforts to improve rural health care greatly benefitted his constituents and continue to serve as a model for our Nation.

Above all, I remember working with CRAIG on resource issues related to coal, oil, and land management. He was steadfast in his efforts to increase domestic energy production. He fought to secure funding for a coal gasification plant in his home State, and he also supported exploration and development in the Arctic National Wildlife Refuge.

To deal with CRAIG THOMAS was to deal with a gentleman, a person who had absolute knowledge of the topics he spoke on. You couldn't talk to him without becoming aware you were talking to a marine. As far as I am concerned, marines have something special about them—an absolute steadfastness, honesty, and integrity. CRAIG exemplified these qualities.

It is hard for me to realize he is now gone. Just before I left to go home this

past recess, I stopped CRAIG and told him we are praying for him and to hang in there. Our great friend Susan Butcher also died of leukemia. She went through the same process CRAIG did. He told me he was going to stick with it. He thought he was going to be able to beat it. Everyone who met with CRAIG in the period after he was diagnosed with leukemia had to admire his courage, his absolute courage.

CRAIG's concept of life impressed me most. He lived life to the fullest. He had a wonderful family, four wonderful children, and a wonderful wife in Susan. He was also the essence of a Westerner. I have known many Westerners in my day, but never one who was as consummate a Westerner as CRAIG Thomas. The people of Wyoming were blessed to have him representing their interests. Whenever he went home, CRAIG traveled throughout his State, from one small community to the next. We compared notes about how Wyoming residents faced problems similar to those of the people of Alaska.

With CRAIG's passing, the Senate has lost a great leader in terms of Western values. But we have also lost a man who was a friend. He had the qualities everyone cherishes in a friend. And as the Senator from Oklahoma has said, he was very devout. You couldn't talk to CRAIG without realizing he had tremendous faith in our Maker. He was guided by this faith, and it kept him going during the past few months.

It is also hard to understand that leukemia is such a violent disease. This year alone, more than 44,000 Americans will be diagnosed with leukemia. The type of cancer which afflicted CRAIG, acute myeloid leukemia, has a 5-year survival rate of just 21 percent.

If there is anything I would add to what is going to be said today, it is that we must do more. We must do more to prevent this disease. We must learn as much as possible, and apply as much research as possible, because very few people survive their tremendous battle with leukemia. Of all people, I really believed CRAIG might. When I left for the Memorial Day recess, I had a good feeling—CRAIG was going to make it. He told me he would soon start another round of chemotherapy, but because of his strong faith, he had no fear of what lay ahead.

I hope the Senate takes a lesson from CRAIG THOMAS' attitude as he faced this adversity. After being diagnosed with leukemia, CRAIG faced trials and tribulations we can hardly imagine, and we will remember him as an example of a man with great moral strength and great faith in God. In honor of his memory, it is my hope we will join together and find a way to apply more funds to research leukemia, whose devastating impact has now taken a good friend from our Senate family.

This morning, the Casper Star-Tribune published several individuals' recollections of CRAIG. One of his former staff members, Liz Brimmer,

said, "In unassuming and generous ways, he did more for Wyoming, more for Wyoming people, than most people knew. His positive spirit permeated every interaction. Fiercely loyal and generous of spirit, CRAIG was funny and tenacious all in the same moment . . . He loved people and loved to make a difference. What better mark of a man?" I wish I could find words as eloquent and as fitting to describe this extraordinary Senator.

We all mourn his death, and we send our love and best wishes to his family. Susan had a husband, and his children had a father, without equal. CRAIG THOMAS was a family man through and through, and I am deeply saddened by his passing.

When I thought about him this morning, who he was and what he meant to the Senate, a few words came to mind. In a place of great debate and heightened political excitement, CRAIG THOMAS was always a gentleman. That says something. It certainly is something we will remember. In a time and place where we often raise our voices in anger and emotion, CRAIG THOMAS was always soft spoken, but he was always heard. In a time when many of us fail even our own standards in terms of integrity, he was a man of high integrity, honorable and humble. In a place where many show weakness, he always showed strength, that quiet strength of a Wyoming cowboy.

I thought about his last battle with cancer. You could tell, when you saw him on the floor or passed him in the hallway, the therapy had taken its toll on him personally. Yet there was always a smile on his face, a determination to overcome the odds, and a very optimistic and positive word when you asked him how he was doing. Those are the things I remember about CRAIG THOMAS.

We serve with many people. They come and go. The annals of history do not record them all as great, but each one of us is lucky to be here and lucky to develop the friendships and relationships we do. Politically, CRAIG THOMAS and I were worlds apart. There might not be any starker contrast in voting records than CRAIG THOMAS and mine, but it didn't make much difference when it came to his friendship and his personal relationship. I am going to miss him. I am going to miss that Wyoming cowboy who had the Remington bronzes in his office that I walked by and looked at every time I came down the corridor. I will miss his smile and his courage. But I am going to be reminded by his example of how we can all be a little bit better in what we do here in the Senate.

I extend my sympathies to his wife Susan, his family, his staff, and all of his friends. He was truly a great Senator. I was honored to count him as a friend.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask unanimous consent to address the Senate as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ISAKSON. In the third chapter of the book of Ecclesiastes, the Bible teaches us that there is a time for everything; a time to live and a time to die, a time to reap and a time to sow. Last night became the time that CRAIG THOMAS left us. For that we are all sorry and extend our sympathy to Susan and all his family and the people of Wyoming. But for all of us today and for years to come, it will be a time for us to reap the benefits of having known CRAIG THOMAS, having benefited from his service as a colleague in the Senate, but for the people of Wyoming as a great servant to that State. I don't know if there are two finer people who ever served the Senate than MIKE ENZI and CRAIG THOMAS. To have a matched set of rock-solid, quiet but humble, and strong men to serve a State is quite a unique privilege for that State and a unique privilege for all of us who serve.

On this sad occasion of the passing of a great Senator and a great friend, I know I will benefit and reap for years to come from the service, the passion, and the integrity of CRAIG THOMAS.

I honor his life.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Madam President, I rise to address the Senate in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MARTINEZ. I am saddened by the passing of a good friend, Senator THOMAS. I express my condolences to his family, the people of Wyoming, Senator ENZI, and to all of us who knew him and loved him. I have not served long with Senator THOMAS. It was a joy to hear this morning how he was described by Senator ENZI, who has known him for a long time. My memories of him are as someone who always was kind, always friendly, offered me a helping hand on my first days in the Senate. I know he has been described as an authentic cowboy. I certainly always viewed him as that. He seemed to be the real deal, the real McCoy.

I remember speaking before the break with the Senator, telling him how good he looked. Of course, he already knew he was headed back to another bout of chemo, but he didn't dwell on that. He was telling me that he was feeling good, and he did look good. He looked a lot better than he had been, and we were all encouraged. He certainly believed in that assessment as well.

In the last few months, he has been "down the road" from us, and he has been responsible for the candy drawer, a little Senate tradition. As we were talking before the break, standing there, he was commenting on his pride in the Wyoming taffy candy he had introduced to the candy drawer. He was a Wyoming promoter to the very end.

I relish the good memories. I know we are all sad today at this incredible

loss. My heart goes out to the members of his family. We will do all we can to support all those who loved him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I rise to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Madam President, on behalf of Kathy and myself, we send our deepest condolences and expressions of sympathy to Susan and her family on CRAIG's passing. Susan and CRAIG were good friends of ours. Susan is and CRAIG still is. They are special people. They are people whom you like to call friends, the type of people who are there. And they had a special relationship. I don't know how many votes we cast together. It was a lot. CRAIG arrived 2 years after I had. We would walk out of this Chamber together very often, and Susan, because she was here in Washington, would almost always be right out there, right outside the door, with a great smile to greet us, even though we probably just lost the vote.

CRAIG was special because, as has been mentioned and said so well by his partner Senator ENZI and his colleagues, Senator MCCONNELL, Senator INHOFE, Senator STEVENS, Senator ISAKSON, Senator MARTINEZ, and the Democratic leader, Senator REID, and Senator DURBIN, everybody respected him. You may not have agreed with him, but you could not help but respect him. He was quiet but accomplished and understood the issues. He was a man of inordinate common sense. When he would look at an issue, he would cut through all the puffery, all the theater, of which there is a fair amount around here, and he would get to the essence of the question. Then he would bring common sense to the question. Yes, it was common sense born out of a philosophy, which is our side of the aisle, which is conservative, but it was a common sense that cut across ideology most often because it was usually so obvious what the conclusion would be as presented by CRAIG.

I had the great good fortune—I don't know how it happened, but it was good fortune for me—to end up spending almost every Tuesday lunch, where we do policy, and almost every Wednesday lunch, where we do steering and get together as Members of the Republican Senate to discuss whatever is happening, to sit beside CRAIG. We sort of gravitated to each other. That is sort of ironic, me being from New England and him from Wyoming, but I think there is a certain, hopefully, identity of our approaches to events. I am certainly proud to say that. The great fun about sitting beside CRAIG was that not only did he have this wonderful common sense, but he had an extraordinary sense of humor. He would listen to statements made, often by our leadership—I do not wish to be disparaging

here; I am simply being kind—and he would make some smiling, thoughtful comment that was usually fairly humorous and a touch irreverent about comments made by our leadership as to what we should be doing. You couldn't help but laugh because he was a person who had a sense of self, a sense of humor, a focus on what was right and what was wrong and what life should be about.

This disease attacked him, but honestly, you couldn't convince him that it attacked him. You would ask him how he was doing. He would say: I am OK. Even though you knew he was going through extraordinary pain, you would never, ever—at least I never, ever—hear him complain. He was a genuine marine in that sense.

He will obviously be missed around here. He was a low-key person who had a high-level impact. I will certainly miss him. I will miss him at those lunches and I will miss seeing Susan outside the door.

To Susan and his family, Kathy and I say: He was a great friend, and we will miss him.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. I rise to honor my friend CRAIG THOMAS, the Senator from Wyoming who passed away last night, and to express my sympathy to Susan, his wife, and to his family and to the people of Wyoming. Joan and I and my staff feel we have had a very special relationship with CRAIG and Susan and his staff.

Two weeks ago the Senate passed S. Res. 130 declaring July 28 as National Day of the American Cowboy. This was the last piece of legislation Senator THOMAS pushed through the Senate. It is so true to his spirit. Senator THOMAS was himself a cowboy, a roper. He understood that as a symbol of the American West, cowboys represent much more than men on horses. They stand for courage, determination, hard work, and respect for nature. They stand for the West itself and for those who wish to protect and preserve it.

His work on the Energy and Environment Committees was a testament as well to his belief that the land we have been blessed with needs stewardship and care, and that those who live on and work with the land are often the best at doing so. CRAIG tried to take care of the land, especially the Wyoming he loved so much. This connection with the West, his concern for land management, and the way of life of those who lived on the land, should be his legacy. CRAIG rode forward into the end of his life so bravely that most of us never knew how bad his health was. He told us he was seeking treatment, but the end came quickly and, for him, stoically.

It was always a pleasure serving with Senator THOMAS—first in the House of Representatives, then in the Senate, where we collaborated on a whole range of issues. The proximity of our home States and our shared interest and passion for natural resources and energy issues provided many opportunities to partner on legislative efforts.

During the 2001 anthrax attack on the Hart Senate Office Building that pushed several Senators out of their offices, I was happy to offer Senator THOMAS and his staff space in my office for several months until his office was deemed safe again. During that time I was able to get to know him and his staff even better.

I offer my condolences now to his staff. He was the type of man who was not just a boss but a friend as well. I know they are hurting. He will be remembered for being the quintessential Wyoming cowboy, a gentleman with quick wit and humility of spirit that endeared him to his colleagues and made him a joy to us all.

Any man who can list cowboy, United States marine, husband, and father on his life's accomplishments lived life well. The Senate has lost a gentle giant who served his State and Nation with honor and distinction. Joan and I are keeping Susan and the family in our thoughts and prayers. I will miss my friend, CRAIG THOMAS.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I ask to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I first note the presence on the floor of the distinguished Senator from Wyoming, Mr. ENZI. I note also present in the Senate is a beautiful bouquet of flowers on the desk that was occupied by the other Senator from Wyoming, Mr. CRAIG THOMAS.

I want to say to Senator ENZI, first, we will all have an opportunity in the next few days and weeks to speak about the Senator who was your colleague who left us last night, and we all will have an opportunity to speak with you and see you on more occasions than this to express to you our heartfelt sorrow for the loss of your colleague.

You will suffer a lot of things that will be downers during your life in the Senate—and because we all live our lives, things happen, go up and go down—but I am quite sure you will not have an opportunity to suffer any more

severe a loss than the loss of your colleague who was at the same time a cowboy, a marine, a Senator, a father, and, clearly, a husband.

He had a wife named Susan. Everybody who knows her loves her. My wife loves her. I called my wife early this morning, after I heard, and I was so pleased she answered the phone herself because I thought: Where will I get her? We may get caught up in the maze of today and maybe I will not be able to talk to her until tomorrow, or maybe Nancy will not be able to talk to me. But, sure enough, it was at 8:30 this morning I was able to talk to her.

Her first words, after knowing who I was, were words coming out of her mouth saying: He did a good job for Wyoming, didn't he? I said: You bet. Then: I am sure, not knowing the rest of his life, he must have done a good job in a lot of other areas. Probably he was a good husband—to which there was no answer because that was not intended as a question. He obviously was a wonderful man. Quiet, sort of unassuming, but he was a very involved Senator, especially when it came to Wyoming.

Very early on, as he worked his way from the House, where he replaced DICK CHENEY, over to the Senate, where he had been elected, he decided he would work for his State. You did not hear of him a lot on national news because he was busy doing what he thought was best for him as a Senator, and that was, representing that great State of Wyoming. What a State that is, and what a Senator they had.

From my standpoint, I served with him on two committees. The one I know the most and remember the most is the one we served the longest on: Energy and Natural Resources, which the occupant of the chair has served on with us. But when it came to this man, he frequently worked with Democrats on serious issues because he wanted to get things done.

If there is one thing I noticed as we worked together, shoulder to shoulder on this committee, it was that he was impatient because he did not understand when we wasted time and he did not understand why we were doing some certain things. He would ask: Why don't we get on with what we are supposed to do? What are we talking about this for? This is not policy. We are talking about a bunch of little things we ought not be involved in. I think I remember that more than anything else: Can't we get on with it?

I remember he was burdened with the fact there is a substance in his State called trona. The other Senator from Wyoming might know about it. He must know about it. Apparently, they were having competition in the world, and he thought the royalties were too high. I don't know. Anybody who served on the committee must have heard the word "trona" because he was all over that issue, wanting to get somebody to listen to him about the unfairness of it and to help solve it.

I did not get to serve with him on the Finance Committee and other committees he served on, but it would be my guess he was the same way on all of them, that he showed up when he should and did his job as best he could, and that when the chips were down, you could count on him. When the chips were down, he did what he said. He voted the way he would tell you. He worked the way a dedicated person works.

For me and my wife, on this day, shortly after his death, I want to say in the Senate that Wyoming sent us a true man. I do not know whether it was the marines who made him a man or what it was, but he was truly different. He was tough minded. He was quiet. But he was impatient, and he wanted to get good things done.

I am positive his relatives and his great State will never forget him. He will be remembered by them, just as we remember him. He will leave them, and they will have a big void, without a question, because a giant part of their lives leaves. That goes for Wyoming, and that goes for his wife Susan and their children. I think there are four of them. I did not get to meet them. But if they are like their mother and father, they could not help but be great.

With that, I say goodbye to the Senator, and I extend my sorrows to his wonderful wife, and, hopefully, I will be part of whatever ceremony there is for us to send him on his way.

May God bless his family and him, and may whatever he aspired to get done, get done by others who follow him because he set such a wonderful basis to get those things completed for his State.

I thank the Senate and I thank the junior Senator from Wyoming for the kind man he is. I will be seeing him, and I say to the Senator, if I can help you during these times, please call on me. I am available.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. LUGAR. Madam President, the thoughts and prayers of my wife Charlene and myself are with Susan today and their four children, as we think about CRAIG THOMAS, our dear friend, our colleague, a man who has been such a wonderful presence in our lives in the Senate.

Much has been said, and quite correctly so, about Senator THOMAS as a cowboy, and certainly he was, and his rich heritage of experience in the Marine Corps, as he volunteered to serve his country after college. But I want to stress two or three things that perhaps have not come to the attention of Senators in the same way this morning, one of which is that CRAIG THOMAS was a person who was vitally interested in the Far East. He served for a period of time on the Foreign Relations Committee, and during that period of time, as I recall, was either the subcommittee chairman or heavily involved in hearings and in working with our Ambassadors to countries in Asia.

For a variety of reasons, because CRAIG always sought opportunities to serve Wyoming in whatever committee assignments seemed most appropriate at the time, his service on the Foreign Relations Committee was not a long one, but he continued that service by holding breakfasts in his office. I was privileged to be invited to those breakfasts in which famous people from abroad, especially the Far East, were his guests. These are ladies and gentlemen he had met during his foreign travels or during his work in Wyoming in which they might have been of value to his State.

It was an extraordinary set of experiences. I stress "experiences" because there were many of these breakfasts. I encouraged him to continue on. I enjoyed the fellowship of the people he brought together as well as Senators he brought into an orbit of understanding about the Far East, through his own ministry in this case.

I have been impressed in addition—speaking of breakfasts and the fact that Senator THOMAS was a regular at the Aspen Institute breakfasts that are held right here in the Capitol on Wednesdays and Thursdays frequently throughout the legislative year. I am advised as many as 24 of these breakfasts are held on the subjects which the Aspen Institute Congressional group is focusing.

Among the things on which the group has been focusing in recent years has been problems with Russia and the Balkans and developments in Eastern Europe, the problems certainly in education generally as a subject for our schoolchildren in this country, problems in Latin America, the problems of the environment and energy, and, appropriately, problems in Asia and especially China in the Far East.

I noticed CRAIG THOMAS, when it came to these breakfasts, usually was there on time and listened to the lecture or the paper that was being given by the speaker, and that he frequently proceeded on, perhaps, to another breakfast or another appointment without severely questioning either other Members of Congress or the speaker at the time, but was intensely interested. Because we frequently saw and listened to the same people, this led to many rich conversations which I was privileged to have with him. I would ask him: What did you think? What were your impressions of that speaker today? He always had some very concise impressions.

But a third thing I simply want to mention, in addition to these breakfasts, is the sense of good humor with which those impressions were cast. He had his own unique sense of humor, and yet it was clearly there and very much a part of the personal association each one of us enjoyed with the Senator.

Likewise, that sense of humor was shared by Susan, appropriately. I can remember so many times outside the door to this Chamber Susan would be standing there at about 6:30 at night or

some such time. It was obvious she and the Senator were going to dinner or had some activity. But one of the delightful things was that so many of us had been visiting with Susan over the years. We had a lot to say to her and she to us, always with a wonderful sense of humor, with a sense of the work we are about, how unusual to some this schedule seems, how absurd it may be to others, someone who had her own vocation as a very remarkable teacher and someone who understood the needs of children.

It is not surprising that CRAIG would attend the Aspen Education Conferences in addition to his far-flung interests in Asia and most importantly, obviously, the land use issues and the remarkable ability of people to make a living off the land in his home State. It was finally in that capacity that I enjoyed the best conversations with CRAIG THOMAS because he was deeply interested in agriculture, as I am. We come from very different kinds of agriculture, yet there was a profound understanding of the challenges and the joys of people who make their living from the soil; likewise, from the husbandry of animals and the combination of forestry, and even the mineral uses of lands—much more abundant, I must say, in the State of Wyoming than in Indiana. But we both understood the nature of that income, the nature of the challenge, and the importance of State and Federal legislation as it pertained to those farmers. So I will miss those conversations especially because that is a heritage of land in which both of us have been involved in our families, and I suspect his will continue.

Our thoughts are with the family today. We are never prepared for such a day. That is why many of us perhaps are rambling on occasion in our thoughts as we collect them about this outstanding Senator and wonderful friend. But it truly is a privilege to have this opportunity on the floor of the Senate to pay tribute to my dear friend CRAIG THOMAS.

I thank the Chair.

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

Mr. HAGEL. Madam President, this is a sad day for all of us. Wyoming and the Senate have lost CRAIG THOMAS. He was a neighbor. He was a friend. He was an individual whose life was committed to his country and his State.

Often, when he would refer to my State of Nebraska, he would say: Oh, yes, that State of Nebraska; that is where Wyoming sends all of its wind. He said other things as well. Many times, he and Senator ENZI were responsible for stealing Nebraska's water. Other than those obvious flaws, CRAIG THOMAS was one of those unique individuals whom we have heard his colleagues speak of this morning. None have exaggerated in their descriptions of this remarkable man. He, as has been noted, was a marine. He was a straight shooter. He was born and

raised on a ranch in Wyoming. When you add all of that up, what else could he be but a straight shooter?

He worked hard, as has been noted here this morning. Chairman LUGAR outlined some of the participation of CRAIG THOMAS on the Foreign Relations Committee where I, too, had an opportunity to serve with him. No one was ever better prepared when he spoke, more knowledgeable of the subject matter, and more a joy to be around because he never lost the most important element of each of us; that is, a humanness, the human dynamic. He had a special humanity that is not always easy to retain in this town and in this business. But that is what CRAIG THOMAS was, and I think that is what most of us admired most about him.

If service to America is one of America's highest and most important values, then CRAIG THOMAS's legacy speaks volumes because that was his life. Lilibet and I offer our sympathy and our prayers to Susan and to the family. He served with great distinction and always put others first.

One last comment about a memory of CRAIG THOMAS for me. In 1996, when I was campaigning for my first elective office to the U.S. Senate and when there was a very legitimate question of whether I was worthy of election and whether I could win, CRAIG THOMAS flew over from Wyoming to central Nebraska and spent a day campaigning with me in 1996. CRAIG was the first U.S. Senator to help me, to come into my State, and that day I spent with him talking about water issues, agricultural issues, the Marine Corps, and service to our country inspired all who were around him. I noted that those ranchers and those water resource specialists and others whom we visited on that campaign tour that day responded to him in a way that was rather special. I later learned through my almost 11 years in the Senate why people responded to him in such a special way.

We will miss him. He leaves our institution, his State, and his country better than he found them.

Thank you.

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

Mr. ALEXANDER. Madam President, we will miss CRAIG THOMAS. CRAIG THOMAS would want it to be said that he was a conservative. He enjoyed expressing conservative views on this floor. He enjoyed expressing conservative views in our Energy Committee on which we served together, and the Senator from Louisiana and I served with Senator THOMAS. He kept his feet firmly planted on the ground in Wyoming from which his conservatism came. He obviously well represented the people of Wyoming because he barely noticed there was an election last year. When CRAIG THOMAS ran, he was elected by an overwhelming margin.

CRAIG THOMAS was a conservationist. He was chairman of the National Parks

Subcommittee during the time I served on the Energy Committee, and he enjoyed that very much. I am not a bit surprised because he took great pride in the fact that Yellowstone, a great, premier park—I can say that even though we have the Great Smokies in Tennessee—but Yellowstone, which has such a special place in the hearts of all Americans, CRAIG THOMAS took special pride in his jurisdiction of that responsibility. He was honored by the National Parks Association a couple of years ago. CRAIG THOMAS was awarded the singular honor of the National Parks Association for his stewardship of our national parks.

CRAIG THOMAS was no-nonsense. That came from several places, I suspect. One was, as the Senator from Nebraska noted, he was a marine. One was that he was a cowboy, a real cowboy. I saw Senator INHOFE talking about him in that respect. Another reason is he came from Wyoming. I see that Senator ENZI from Wyoming is here. Wyoming citizens, I have noticed, don't waste words. They think about them before they say them, and they often don't say them. They don't feel a need to fill every vacuum with a string of words, which is an unusual characteristic on the floor of the U.S. Senate, but CRAIG THOMAS was such a person. I think, in fact, he grew up in Wyoming, came from Wyoming, lived in Wyoming, kept his feet planted in Wyoming, and helped contribute to that no-nonsense approach to life he had which enriched the Senate.

CRAIG THOMAS was also interested in working across party lines. Earlier this year, Senator LIEBERMAN and I and others began a breakfast on Tuesday morning at 8 o'clock for those Senators who had time to come, not for the purpose of passing legislation but for the purpose of getting to know each other better across party lines so that we could perhaps come to solutions more quickly in other areas. It was interesting to see who came to that breakfast. We all are busy. We all have tremendous demands on our time. We started off with 40 Senators of both parties. Sometimes it got to be 10 or 12 or 14. But almost every Tuesday morning at the bipartisan Senators' breakfast, CRAIG THOMAS was there, and he always had a contribution to make. He was there 2 weeks ago, in the week before our recess, which is why it was such a surprise to learn that he died yesterday, because when he was there, he sat quietly, but you could tell he had something to say, and he finally said it before he left. The subject was immigration. He had some questions, and he had some comments. He looked the perfect picture of health. He looked as if he would last forever. That was the last I saw of CRAIG THOMAS.

We are a family here in the Senate. We say that often to one another, but it is true. We have breakfast together, as we did this morning at the bipartisan breakfast or as we will tomorrow morning at the Prayer Breakfast where

we will remember CRAIG THOMAS. We have lunch together, which we are about to do, Republicans on one side and Democrats on the other. We have committee hearings and meetings all day long and little visits, and then in the evenings, if that weren't enough, why, we get together and we go to receptions for each other. That is how we live our lives here. So it is a surprise to us to suddenly find ourselves without CRAIG THOMAS, whom we saw at breakfast, whom we saw at lunch, whom we saw at committee meetings, and whom we saw in the evenings. We will miss him, but we greatly respect his presence here in the Senate for such a long period of time.

When he got sick last year, we heard that he was soon doing fingertip push-ups again. So all of us thought—at least I thought—well, CRAIG is going to be fine. He is going to be fine. But, as will be the case with each of us, in the end, his life has come to a conclusion. It has been a life of public service, one I greatly respect.

To Susan and to his family, Honey and I offer our sympathy and our respect for his life. We will be thinking and praying for them, and we will be remembering how much joy our friend CRAIG THOMAS brought to the U.S. Senate.

Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to say a few words about CRAIG THOMAS. He was a friend of mine and of all of us in the Senate. His death is a shock to this institution and to all of us. I heard the news this morning on the radio, as many of us did, I believe, and I was genuinely shocked to hear that he had died. My last encounter with him was the week before we had our recess where I had the chance to be with him in the Energy Committee, and he was there and very much participating in that committee hearing. He had a great deal to say, as he usually did, and an interest in what was going on.

I think the first thing that comes to my mind about CRAIG is that he was an example of courage in the face of adversity. I have seen several interviews recently where I was very admiring of Elizabeth Edwards and the tremendous example she is presenting for the entire country about carrying on in the face of adversity after having been diagnosed, as she has been. I think the American people appreciate that, and understandably. I appreciate it, and I am sure everyone who is aware of her circumstance appreciates it greatly.

The same can be said about CRAIG THOMAS. CRAIG was diagnosed with leukemia shortly before his reelection this last fall, and I think everybody had to know that this was not a minor illness that was easily overcome. CRAIG took it in stride. He was here working in the Senate. He went through the chemotherapy and he was back, regain-

ing his strength, and all of us admired that. All of us admired the way he faced that adversity, and he did all that he could, all that was humanly possible, to overcome that adversity.

I had the good fortune to serve with CRAIG on two committees, including the Energy Committee, where he was chair of the National Park Subcommittee. He took a great interest in issues affecting not only national parks but our public lands generally and, of course, our energy issues as well. I also had the good fortune to serve with him on the Finance Committee. The chairman of the Finance Committee this year appointed a new Subcommittee on Energy and Natural Resource Tax Issues. I was fortunate to be named chair of that, and CRAIG was named as the ranking member. So he and I spent a lot of time together, both in the Energy Committee and in the Finance Committee, sitting in hearings and talking about the agenda of the committees and generally interacting.

I had the other great good fortune of taking a trip last year that Senator WARNER and Senator LEVIN sponsored—a trip to Iraq and Afghanistan, in April of 2006, with CRAIG THOMAS. CRAIG and I were both invited to be on that trip. So I spent time with him and interacted with him in Afghanistan and in Turkey, where we made a short stop, and also in London, where we met with some British defense officials.

Three things came through to me that I think are my recollection of CRAIG THOMAS: First, his decency as a human being. When you are with a person for a substantial period of time, you get a sense of their decency as a human being. I have spent a lot of time with CRAIG THOMAS in this Senate and on that trip to which I just alluded. I can vouch for his basic decency. He was always considerate, always civil, always concerned about the feelings of others and the reaction of others.

The second characteristic I would allude to is his ability to ask tough questions. CRAIG liked to think of himself as a conservative. I would characterize him, as much as anything, as sort of a skeptic. Whenever the experts were telling us what the solution to a problem was, or what their analysis of a problem was, he was one who would stand back and say: Wait a minute, let's question some of that expert advice and expert analysis that you are giving us. That is very much needed by people in public office. You need people who will ask the tough questions, and CRAIG THOMAS asked the tough questions.

Third is the characteristic that others have spoken of here—that he was a straight shooter; he was straightforward in his view of the issues. You didn't have to guess what CRAIG thought about an issue. He would tell you, and it was a heartfelt view that he was expressing. So this is a very great loss to this Senate, to the people of Wyoming, and to the country. I consider him to have been a superb public

servant. The people of Wyoming were extremely well served by him, the country was well served by him, and this Senate was well served by having him as one of our distinguished members.

I extend my condolences to Susan and the family and, of course, to all of the people who are friends of his in his home State. He will be fondly remembered in this Senate.

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

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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. CHAMBLISS. Mr. President, I rise this morning with a very heavy heart, like all the rest of my colleagues, about the loss of our dear friend CRAIG THOMAS. CRAIG was such an inspiration in such a quiet way to all of us, a guy from the true Wild West, the great State of Wyoming. He had such an easy manner about him that is so indicative of a lot of people who come from that part of the country. It was indeed a privilege and a pleasure to have the opportunity to serve with him.

I had a number of interests in common with CRAIG. First of all, we served on the Agriculture Committee together. In the past 2 years, as chairman of the Agriculture Committee, CRAIG was one of those guys I called on from time to time to seek his advice and counsel because in the area of Wyoming and in the western part of the country, they grow different kinds of crops than what we grow in the Southeast. CRAIG was always willing to give his time to talk to me about the thoughts of farmers and ranchers in his part of the country and what we needed to do from a policy perspective on the Agriculture Committee relative to his farmers and ranchers that would also be beneficial to my farmers and ranchers. I cannot overemphasize the value of that kind of relationship with a Member of this body.

I grew up in my law practice and in the rural electrification business. CRAIG was a strong advocate of rural electrification and the REA program and had been involved with it in Wyoming for decades. We had the opportunity to talk about this issue and long-term policy relative to providing electricity and other assets to people in rural America, and whether it was rural Wyoming or rural Georgia made no difference. CRAIG was an advocate of making sure that people in rural America all across our great country had the opportunities that folks in the urban parts of America have. I had a special opportunity to work with CRAIG.

Earlier, I heard folks talk about CRAIG's love for the country and his love for the land. We were both out-

doorsmen. He used to ride a horse a lot, and I like to shoot a shotgun at quail, pheasant, and a few other things that I have been blessed to be able to do over the years. We talked about our enjoyment of the outdoors on any number of different occasions.

CRAIG was the chairman of a major committee during the last Congress. He was in charge of an issue that has been very near and dear to my State, an issue of designating property with a heritage designation in Georgia. I worked on this for about 6 years. We got right up to the brink last year, and all of a sudden we ran into a roadblock. CRAIG, as chairman, said, "Saxby, here is the problem." Then he went through it and explained the very complex side of the issue that I had never thought of before.

What it made me realize about CRAIG was that he was a lover of the land of America, irrespective of whether it was in Wyoming, Georgia, or the State of New York. He wanted to make sure future generations had the same opportunity to enjoy lands as our generation and previous generations have had the opportunity to do. Once he explained his position to me, we again worked through the issue. It took us a little longer than I wanted it to, but I had to be patient because CRAIG was very thoughtful. I knew his thinking was the right way of thinking on any issue like this, particularly with the designation of heritage areas, because there are other connotations to it than just saying we are going to leave this land for future generations.

CRAIG was such a great ally in this process. At the end of the day, I remember when he gave his consent through a unanimous consent resolution. He and I sat right here near one another. He used to sit right there, and he moved behind me here. We sat across the aisle, and we had a long conversation that night about this particular piece of property for which he had now come to have a great appreciation. It is something that Georgians and America are going to enjoy for generations to come, and it simply would not have happened without CRAIG THOMAS.

Lastly, the desk that is right behind my desk is one of the more notable desks on this side of the aisle in this great institution because it is our candy drawer. His desk is our candy drawer. Of course, Rick Santorum from Pennsylvania had that desk in the two previous Congresses, and he kept it full of candy. CRAIG could not wait to get that desk when Rick left the Senate. Now, when a lot of us walk into the Senate door, the first thing we do is open that desk drawer to see what kind of candy CRAIG has put in there for us. He has never failed us. It was always a delight of his to be able to make folks happy, and this was a simple and easy way to encourage and get a smile on the faces of Senators as we walked in the door.

CRAIG's wife Susan is such a great lady. I don't know his sons, but Susan

is such a wonderful person. Again, as this body is such a small body, we all become friends regardless of our political differences. At the end of the day, we are a family, and we truly do have Susan and all of her other family in our thoughts and prayers as they go through what we know is a very difficult time.

CRAIG and I also had in common the fact that we were both cancer survivors. I went through a process about 3 years ago, and CRAIG was one of the first ones to come to me and give me his thoughts and encouragement, which I really respected and greatly appreciated. That is the kind of family thought process that we go through here.

So as we reach this day when CRAIG has lost that last battle—and, boy, did he ever fight good ones through the years. He fought this one very well, too. But as we think about him today, knowing his love of the outdoors in our conversations about his riding horses—even riding horses with the Capitol Police on the grounds of the Capitol—I am always going to have those very fond memories of CRAIG THOMAS as a great friend, a great Member of this institution, and a truly great American. We know he is riding off into the sunset for a better life even as we speak today.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I had the great privilege of presiding this morning. I got to listen to my colleagues come to the floor to pay tribute to our friend, an outstanding Senator and a wonderful man, CRAIG THOMAS from Wyoming.

So many things were said this morning, but I wanted to add a few more. First of all, as I sat in the chair to listen to the tributes, I want to give a compliment to the Senator from Wyoming, who spoke on behalf of his colleague. I have heard many tributes in the 10 years I have been in the Senate but, to me, it was one of the most beautiful tributes that a partner and colleague has made for another. Senator ENZI will continue to carry on the great traditions of the State, and I am sure he, as we all have, will be inspired by his friend that we lost. It was evident in his heartfelt and beautifully executed remarks this morning.

I wanted to rise as a Member who served with Senator THOMAS on the Energy Committee, someone who worked fairly closely with him, although we are not of the same political party, to reiterate just a few things about his character.

This life we choose to live in public life is not the easiest life to live, and sometimes it is harder on our families than it is on us individually. It is a life that we choose because we want to serve our constituents. We believe we can do that job.

I heard so many of our colleagues rise to pay tribute to the Senator but

mention Susan, his wife, that I wanted to restate for the record how inspirational their relationship has been to me and to many of us. Not only did Susan wait for him, many times outside of this door, to greet him always with a smile or encouragement, they often were able to travel together as a couple, to share both the joys and the burdens of this life. I think it is a tribute to both of them and particularly to CRAIG THOMAS, who shared his life in such a special way with his spouse, which stands as an inspiration to us all, and Susan to him.

I also wanted to say what a strong and steady voice, an unflinching champion for Wyoming he was, in fact, even in the twilight of his life, within the last few weeks, as was mentioned by some of us who were with him at the Prayer Breakfast, some of us who were with him at the bipartisan conference, and some of us who were with him in one of his last Energy Committee meetings. I recall the memory of his voice, although weak in body, strong in spirit, fighting for Wyoming, talking about coal, talking about a new energy policy, talking about how the country depended so much on the resources of Wyoming and how he was determined to continue to fight and provide that point of view on our committee. So on the Energy Committee we will miss him, always there, always on time, always steady, always strong, and never forgetting the State he came to represent and did so, so completely and so consistently.

Finally, some of us have mentioned the inspiration he has been to us in terms of his quiet and gentle spirit, knowing that he was facing a very difficult time, with his time perhaps not that long to be here. As many of our colleagues have said, however, he never complained. He always said how well he was feeling and how much better and how thankful he was for his doctors, for his family's support, and he was always thanking us for being there when we could.

I wish to mention the strength of his spirit in having come to terms and making peace in his life, that God was his friend. He had a great faith in God Almighty. It was evident by the way he walked, not agitated and not nervous, not anxious and not afraid, but basically the quiet confidence of a person who was at peace with God and with whatever God would have in store for him. I think those of us in the Senate family, for all we remember of him—as a cowboy, as a marine, as a Senator—we will always remember the last few weeks of that quiet confidence of a man who knew why he was born and where he was going. That was our good friend CRAIG THOMAS.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I come to the floor today to join my colleagues in tribute to the memory of a wonderful friend, Senator CRAIG THOMAS

from Wyoming. For me, CRAIG THOMAS was not only a member of the Senate family, he was a neighbor to the north. Because of the similarities between Wyoming and Colorado in terms of the rural nature of our States, Senator THOMAS and I had the opportunity to work on many matters during the time we both served in the Senate. I wish to comment on two or three of those issues which were very important to us as we worked on them together.

I always saw Senator CRAIG THOMAS as someone who was truly a fighter for the land, water, and people of this Nation, and the people of the State of Wyoming. I remember very clearly the debate we had in the Senate Energy Committee and the National Parks Subcommittee, which he chaired, about whether we were going to abandon the hundred-year principle that had guided the conservation philosophy of our national parks. It was Senator CRAIG THOMAS who, at the point of the spear, made sure that the conservation doctrine of our national parks' policy remained intact.

I also remember the leadership role Senator THOMAS took in the last several years when there were efforts to try to sell off our public lands in order to make that part of the deficit reduction for our Nation. While he was a true fiscal conservative, he also understood the importance of the legacy of our public lands, protecting our public lands, and making sure those public lands were not used simply for deficit reduction. It was through his leadership that we were able to turn back the efforts of those who wanted to sell off the public lands of our Nation.

I wish to also comment with respect to Senator THOMAS's efforts for rural America.

There are some significant differences between the Senate family and the House family. I think the House of Representatives, because of the makeup of that body—many of them come only from metropolitan and urban areas. Here in our Chamber, many of our Senators represent States that are very rural in nature, and there are very few States that are as rural as that great State of Wyoming. So it was natural for Senator THOMAS to be a champion for rural America, and it was my honor to join with him in working on a number of other things where we stood together and said that the America that had been forgotten by so many, rural America, was never going to be forgotten on the floor of the Senate. It was in that vein that Senator THOMAS took a leadership role, along with our good friend, Senator LARRY CRAIG from Idaho, to make sure we were doing right with payment in lieu of taxes so that those rural communities in the West, which are so dependent upon payment in lieu of taxes because so much of our land is owned by the Federal Government, that we would be providing them with the kind of compensation needed to keep them afloat.

It was also in that regard that I had the honor of joining Senator THOMAS last year and Senator CRAIG in moving forward with the creation of the Office of Rural Veterans Affairs. That is because Senator THOMAS understood that there was a great disparity in how veterans were being treated in the urban-suburban areas of our society and those in rural communities. The fact is that the VA had done a study that demonstrated the great disparity in health care services that were forthcoming from the VA to those veterans who lived in the urban communities as opposed to those who lived in rural communities. So it was his effort and his leadership that helped us lead to the creation of the Office of Rural Veterans Affairs.

Finally, his work on the Agriculture Committee. When I think about Wyoming, a State that I often travel, a State where I have often worked, I think about its natural resources and I think about its people, but I also think about its agricultural base. Certainly, Senator CRAIG THOMAS will always be remembered for his great advocacy for agriculture and making sure we have sustainable agriculture here in our Nation.

I would like to thank Senator THOMAS for the contributions he made to my State, even though I am a very new Senator here in this body. We worked on a number of different issues. It was through his leadership that we were able to hold hearings and move forward on legislation that created the Sangre De Cristo National Heritage Area, the Clark County National Heritage Act legislation, the Rocky Mountain National Park Wilderness Act, and the Betty Dick Resident Protection Act, and I could go on and on listing a whole host of other matters that were moved forward because of the advocacy of Senator THOMAS.

Lastly, I would say this: We get to know each other in a number of different ways here on the floor of the Senate and while working together. I fondly remember traveling with Senator REID and with Senator THOMAS to Iraq and spending 8 or 9 days with him in that troubled part of the world. I remember the conversations about his yearning for a more peaceful and stronger world, where we would create a legacy for our children that was a legacy of peace for the world.

I was honored to often go to the Prayer Breakfast on Wednesday mornings and listen to the speakers. I knew CRAIG THOMAS was a man of faith and that he was doing the duty of the people of this country and the duty of the people of Wyoming.

So from his neighbor to the south, I conclude by simply saying that I am proud of that cowboy. I am proud of CRAIG THOMAS, and I am proud of the contributions he made not only to the State of Wyoming but the contributions he made to this Nation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Wyoming.

I am sorry, the Senator from Idaho.

Mr. CRAIG. Madam President, today I take that comment with respect and honor because I am here, like many of my colleagues, to join in speaking about the loss of Senator CRAIG THOMAS, a friend from the neighboring State of Wyoming.

Over the course of years in working with CRAIG on the floor of the House and here in the Senate, I must tell you that notice of his death late yesterday evening was a real loss to me and my wife Suzanne. And I say to his wife Susan and their four children that we stand in quiet prayer for strength for you through this difficult time in the loss of a truly marvelous American.

The Senator from Colorado just mentioned the word "cowboy," and I oftentimes, when at a gathering with CRAIG, if the opportunity arose where we were both speakers and I was to introduce him—and that happened on several occasions—I would say: And now, ladies and gentlemen, let me introduce the cowboy from Wyoming. And he would stand with a big smile on his face because he viewed that as a statement of respect. I think we westerners, who work closely together on issues that are uniquely western, appreciate and understand that expression.

CRAIG came to the House in 1989, just as I was leaving the House, so I got to know him then. And, of course, when he came to the Senate and came to the Energy and Natural Resources Committee, where we both grew in seniority, we began to work very closely together on so many issues that were important to the West but also issues that were important to the Nation.

CQ, Congressional Quarterly, in its Political Profiles of American Politicians, said this about CRAIG, and I think it is so typical of the man. They said:

While Thomas pursues his State's interests, he does it in a quiet, methodical way that has made him remarkably few enemies after nearly two decades in Congress. Known for his courtesy and diplomacy, even on bitterly contested issues, he is no pushover.

That is the CRAIG THOMAS whom we all got to know. He could be tough in his position. He knew exactly where he was on almost all issues, and he very seldom gave ground. But he would give ground when he knew it would bring the issue to resolution. Now, I say that is the art of a talented policymaker, and CRAIG THOMAS, representing his State of Wyoming and the Nation, was truly that.

He filled big shoes. When he came to the House, he filled the shoes of the departing DICK CHENEY, and, of course, when he came over here, he filled the shoes of Malcolm Wallop, who was well known here as a very clear conservative and often very partisan Member of the Senate. But in filling those shoes—and more importantly, he brought his own boots—he made his

own mark for his State and for the Nation. So whether it was park issues, whether it was natural resource issues, whether it was differences between that boundary line that sometimes is fairly indistinguishable out West between Idaho and Wyoming, CRAIG THOMAS served the citizens of his State extremely well.

Oftentimes known as an open, multiple-use advocate, as both he and I are on the utilization of our public lands and their management, when it came to Yellowstone National Park and the Grand Teton National Park, they were something special in CRAIG's mind. Oftentimes I would say: CRAIG, you are siding with the environmentalists on that issue.

He would laugh or smile and say: LARRY, nothing is too good in protecting Yellowstone National Park and the Grand Teton. They are the crown jewels in the Nation and they are a major part of my State.

While we were very seldom in disagreement, there were times when there was a bump-up now and then, as is typical amongst all of us who serve in the Senate, even though on most issues we found great compatibility.

I am one amongst all who will miss CRAIG THOMAS. He was a friend of long-standing, a colleague. His wife Susan and my wife Suzanne had become good friends over the years, as so many of us do while working in the Senate. His life is taken from us and from the citizens of his State and from his family at a time when CRAIG THOMAS was serving his State and his Nation well.

Again, to his wife and children, we are going to miss CRAIG a great deal in the Senate. I, personally, as a friend, will miss CRAIG THOMAS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, I, too, rise today to pay tribute to our fallen friend, the distinguished Senator from Wyoming, Mr. CRAIG THOMAS. My wife Tricia and I were greatly saddened this morning when we rose and found out that CRAIG had lost his battle with this form of leukemia. The four of us have been together many times, socially and in business settings. We have had some great experiences together in other parts of the world. We were so sad to learn he had passed away. It was heightened by the fact that he seemed to have done so well after his first round of treatment. It was a great pleasure to come on the floor over the last couple months and see him looking better every day. He seemed to feel good. So I was personally excited that he was going to whip this thing. That was his attitude, as a true marine. He was fighting a battle to win.

He brought to the Senate a special down-to-Earth Wyoming wisdom, reflective of the unique part of the country he represented so well. Cody, WY, where he was born, is a special place. CRAIG was the epitome of the people in that part of our great country. In a leg-

islative body of sometimes showboats, lightning rods and mavericks, CRAIG was an engine of the Senate. He was not flamboyant. He didn't try to be. He kept plodding along, trying to find a way to get the right results and help the Senate do its job.

I have learned over the years there are some people in life, and some Members of the Senate, who are tried and true, who can be depended on no matter what the issue is. CRAIG THOMAS was one of those. He kept the Senate on point when we strayed from the big picture—with his goodness, his common sense, and his affable manner. It is very easy to get fired up and lash out at an institution where we all come from so many different backgrounds and are so passionate sometimes about issues. But CRAIG kept it cool, kept a level head, and kept moving forward. When we drifted off message, when we were too much into the weeds with our competing agendas, he didn't complain or rail or make demands to fix it, he rounded up several of his colleagues, came to the floor, and before long he had a way of helping us get back on track.

His resilience and self-reliance were emblematic of the open range country in which he was born. He was Wyoming to me, in all its rugged zest for community, Nation, and faith.

I was particularly interested in hearing our colleague, Senator LARRY CRAIG, from Idaho, talk about his love of the outdoors, of Yellowstone, and his effort to preserve and improve that great national park. It was one of the things he truly did love. He didn't talk about himself very much, but he spoke eloquently about the quality-of-life issues of his mostly rural West neighbors. He was, after all, a farmer. That is what he got his degree in, in college—agriculture.

Of course, he served his country for 4 years in the Marines. That was kind of how he approached his job in the Senate. He came to get things done, to get results for Wyoming, and the Nation. He was on the right committees to do that. He was on the Energy Committee, and I tangled with him, one time in particular I remember, on the Energy Committee. I came away knowing that, when you get in a tussle with CRAIG THOMAS, you better bring your lunch because it will not be quick. It will take a long time to work it out. But work it out we did.

He also served on the Finance Committee, where I had the pleasure of serving with him. He provided, again, good, solid, calm counsel and participation. It was that self-reliance, that selflessness that diverted our attention from the tragedy his family was facing over recent months. But that is how he wanted it. He was riding the Senate range, keeping us on the trail, and helping us to stay with the big picture, to improve the quality of life of all those we represent.

Tricia and I extend our love, our thoughts, and our prayers to Susan,

their children, and CRAIG's loyal staff. We have lost a solid statesman, and we will dedicate ourselves to keeping his spirit of goodness alive in the Senate for all of those to come.

I yield the floor. 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. CORNYN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. CORNYN. Madam President, this is a sad time for the Senate. As we continue with the important business of the Nation, we pause for a few moments to think about our common loss of one of our kindest, most dedicated, and most thoughtful colleagues, Senator CRAIG THOMAS of Wyoming. All of us have our own private memories of our relationship with CRAIG. Mine is of him as a kind of silent leader, kind of an atypical character, if you will, in the Senate.

When I got here 4½ years ago, someone alleged—and this is a broad characterization—someone said: Welcome to the Senate, a place that has 100 large egos and 200 sharp elbows.

I think what that person forgot to do was account for somebody such as CRAIG THOMAS, who was never jockeying for the headlines and spotlight but always focused on his work and quietly, every day, made a difference.

I learned firsthand in recent months, as I began working with a number of Senators on this side of the aisle, trying to encourage their active participation in the floor debates, CRAIG understood it is open debate and discussion in this, the world's greatest deliberative body, that protects and extends democracy. Indeed, every week as we met, Senator THOMAS would simply ask: What can I do, JOHN? It is that fundamental desire to serve the public, the most basic and fundamental question of all that best characterized Senator CRAIG THOMAS: What can I do?

He was a defender of American values. From his service in the Marine Corps to his time in the House and the Senate, he served with courage and integrity. Nowhere was that more apparent than in the way he served and handled his final illness. You never would have known that he had been through chemotherapy or that he was not feeling well. The only way you would know is because his hair had fallen out as a result of the chemotherapy. It was almost back in its original form. But you never would know from his attitude, which was always upbeat, always positive, never looking for sympathy but simply, day in and day out, doing his dead level best to represent the people of Wyoming in the Senate.

He was known as one of the people's most staunch advocates, leading the charge against Government waste and always fighting higher taxes.

In many ways, Senator THOMAS was an example to all of us. In an environment that can sometimes turn too nasty, his friendly demeanor and his dedication to his country was always a reminder that public service is more than a duty, it is a privilege. It can be conducted in a way that does not turn political adversaries into personal enemies. It can be done without bitterness, without anger, and with dignity.

I know CRAIG was honored to be able to represent the State of Wyoming and that the State of Wyoming was privileged to be served by such a man. Wyoming and the Nation now mourn the loss of this great Senator, this great patriot, this fine husband and father, and this good man. He left an indelible mark on the Halls of the Senate and America in general. He will be missed.

For Susan and all the Thomas family, Sandy and I say to you, you are in our thoughts and prayers, as I know you are in the thoughts and prayers of countless millions of people all across this great land. In these trying times, we are all comforted by the strong faith in God that CRAIG exemplified, as well as the enduring legacy he left and his positive impact upon the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I listened to my colleague from Texas. I come to the floor to add a word about my friend whom we have lost, Senator CRAIG THOMAS. CRAIG was from the State of Wyoming. He was from the northern Great Plains. Last evening, when I heard he had died, I spent a lot of time thinking about CRAIG and about this place.

Most Americans see the partisanship. This is actually a political body, so it is not unusual there would be some partisanship. What most Americans never have the opportunity to see is the friendship. This is a small community of 100 Members of the Senate, men and women who come from every part of our country who are elected to serve. There is a great deal of friendship that exists in this Chamber, even in the middle of all of the politics that exists in our political system.

Senator CRAIG THOMAS was an interesting and a wonderful man. I have had, especially the last 6 months, an opportunity to work very closely with him. I knew him as a Member of the House of Representatives. I knew him as a Member of the Senate and a colleague in both the House and the Senate. But the last 6 months we worked together, I as chairman of the Indian Affairs Committee and CRAIG THOMAS as vice chairman of the Indian Affairs Committee. We sat next to each other, hour after hour, hearing after hearing, and I got to know a lot about CRAIG THOMAS that I had not previously known.

His word was his bond. He was quick with a smile. A quiet man in many ways, he cared deeply about his home State of Wyoming and cared deeply about the future of his country.

CRAIG was a proud son of the American West who never, ever forgot about the people he represented. His commitment to American Indians, and especially and particularly to those living on the Wind River Reservation in Wyoming, was evident as I worked side by side with him on the Indian Affairs Committee, as was his strong support for Indian health care and for all of the other services to Native Americans.

I was pleased to have the opportunity to work with him and to get to know him and to admire his work. In recent months, of course, Senator THOMAS faced some very challenging health care issues with a very challenging illness. He met those challenges with courage and with grace. He never complained. I never heard him complain. In fact, it was just about 3 weeks ago at a hearing that I turned to him and said: You look great. You really look terrific. He said: I feel good. I feel great.

He was a person with that kind of attitude. What a wonderful contribution to the Senate. I think all of us here will miss a terrific friend.

Let me end as I started by saying this is a political body. I know most Americans see the evidence of that politics, so they see sometimes the politics and the partisanship. What most Americans never have the opportunity to see is the friendship that exists on the floor of the Senate. Yes, even between those who from time to time are adversaries in debate but who understand each other and are friends with each other.

I had the privilege of working with Senator THOMAS for many years in the House and in the Senate, and particularly in the last 6 months as chairman and vice chairman of the committee. I will miss him dearly. I considered Senator CRAIG THOMAS a friend. My thoughts and prayers today are with his wonderful family as well.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I join my colleagues in paying tribute to our friend and colleague, Senator CRAIG THOMAS. I always said if I got into a tough situation—using the allegory, a gunfight on Front Street in my hometown of Dodge City, KS—I would want CRAIG THOMAS by my side. I also knew that he would be there.

In that regard, it was only 2 weeks ago that he and Susan, his wife, corralled a group of supporters for me and we talked about his personal battle. He was confident. As Senator DORGAN has indicated, he looked good. And we joked with him of no longer being a member of the folliclely challenged caucus.

His turn for the worse and sudden passing comes as a great shock to all of us. We served together in the House where, as in this body, he was always a voice of reason, a man of trust, decency, and commitment. Just this morning he was described by a fellow colleague as a "lovely man," a description that does not quite jibe with

CRAIG, a rough-hewn rancher with a gentle, quiet Wyoming demeanor, but it is a term that is true to the man.

I do not know of anyone who did not like or respect CRAIG THOMAS. In this day of rough and tumble public service and the Congress overflowing, it seems, in a cauldron of partisan discontent, CRAIG transcended all of that.

In the end, the only thing any of us who have the privilege of public trust has going for us is our word. CRAIG THOMAS set the gold standard in keeping his word and our trust and our admiration.

The Senate, Wyoming, and our Nation have lost a steady hand and a man who did much for his special State. He was dependable in the finest sense of the word. He never sought the center ring or the spotlight; that was not his style. He was the epitome of a workhorse, not a show horse.

I remember and I treasure our times together, especially when I first came to the Senate. We both agreed the length of a conversation does not tell anything about the size of the intellect. We also agreed that no matter who says what, you should not believe it if it does not make sense. CRAIG made sense. He did not need decorated words to make his meaning clear. He spoke Wyoming, and Kansas for that matter.

CRAIG would take the floor during morning business, and in his calm, reasonable manner then discuss an issue of the day. And you sort of had to sit on the edge of your seat and lean forward, and as they say in his beloved Marine Corps, listen up. He talked softly, he talked low, he talked slowly, and he said a whole lot without saying too much.

To some of us in this body he was, and is, a fellow marine. In this case, *Semper Fidelis*, always faithful, is most appropriate. As I said, if anyone faced trouble in their life, the one person you would want by your side would be CRAIG THOMAS. I shall miss him greatly as a personal friend, confidant, and supporter.

Both of the offices I have occupied in the Senate were previously occupied by CRAIG. I just thought if they were good enough for CRAIG, I would fit right in. There is a short book by Bix Bender called, "A Cowboy's Guide to Life." In it, he describes the code of the West and urges men of this common background to write it in hearts, to stand by the code, and that it would stand by you. Ask no more and give no less than honesty, courage, loyalty, generosity, and fairness.

Madam President, CRAIG THOMAS embodied that code. Now, while our minds are full of sorrow and our hearts certainly heavy with his loss, CRAIG would not want that. In this regard, the words of Helen Steiner Rice come to mind as our thoughts and prayers are with his supporter, friend, and his wife Susan; his sons, Patrick and Greg; and his daughter Lexie.

When I must leave you

for a little while,

Please go on bravely  
with a gallant smile  
And for my sake and in my name,  
Live on and do all things the same.  
Spend not your life in empty days,  
But fill each waking hour  
in useful ways.

Reach out your hand  
in comfort and in cheer,  
And I in turn will comfort you  
and hold you near.

Bless CRAIG THOMAS.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we did not think, coming back to the Chamber a week after we had all gone our separate ways back to our States, that we would come back with one of our Members not here. There is a drape over CRAIG THOMAS's chair and a beautiful flower arrangement.

But all of us who go through the day-to-day workings of the Senate, working with our constituents at home, the pressures which we all know we feel being 24/7 in a job that we love, but we all know the stresses and strains and therefore we bond because of the similarity of experience. So when we all said goodbye at the end of last week, we did not expect to come back and have one fewer Member. So I want to rise today to express my sadness for the passing of Senator CRAIG THOMAS and to express my deepest sympathy for his wife Susan, their family, and the people of Wyoming.

Senator THOMAS served in Congress for 18 years, 6 years in the House and 12 years in the Senate. He had just been reelected to his third term. But his service to the United States did not begin when he came to the nation's capital. It began in the Marine Corps, where he served from 1955 to 1959. Then he went back to Wyoming to work at the Wyoming Farm Bureau and then the Rural Electric Association. Later, he began a career in public service, winning an election to the Wyoming House of Representatives. Five years later he won a special election to succeed then-Congressman DICK CHENEY as a Member of the U.S. House, and 5 years after that in 1994, then-Congressman THOMAS won election to the Senate.

CRAIG THOMAS used his real-life, rural background to champion a positive agenda for America's rural community. As a former chairman of the National Parks Subcommittee, CRAIG THOMAS authored legislation to provide funding and management reforms to protect America's national parks in the 21st century.

He was honored by the National Parks and Conservation Association with their William Penn Mott, Jr. Park Leadership Award. As a senior member of the Senate Finance Committee, Senator THOMAS was instrumental in vital issues such as Social Security, trade, and tax reform. He was co-chair of the Senate Rural Health Caucus.

These are impressive accomplishments, but Senator CRAIG THOMAS, the

man, was just as impressive. Every time I called CRAIG to fill in for me when I was vice chairman of the Republican Conference, he was there. He was on the executive committee as the vice chairman of the conference. CRAIG was the one I turned to the most to chair a meeting if I could not be there. He would talk on the Senate floor about the specific issues that we were wanting to focus on at the time.

He was so well liked by everyone in this Chamber. I cannot imagine anyone ever saying they did not like CRAIG THOMAS. His wife Susan is a very special lady as well. She works with children who have disabilities. She has made that her life-long mission. She is so loved and respected in the teaching community for the great work that she has done.

So when all of us learned about CRAIG THOMAS's illness late last year, we all thought: Gosh, he is going to be a fighter. He is going to do so well. And he did. He did do well. He fought it with immediate chemotherapy. He came back with less hair than he started with in the month of November, but we knew, as we were watching him progress, that he was looking better and better and his color was getting better and better. Then when we all left last week, some knew he was going back for another round of chemo. Many of us did not know. But no one in our body realized how serious it was.

Yesterday, God did call him home. At the moment that he was called, his wife Susan; his sons, Patrick and Greg; and his daughter, Lexie, were all there with him. So our prayers shift now from recovery to comfort, and we hope his family knows and the people of Wyoming know what a mark he made on this body. He will be remembered, and he certainly is where the angels are because of his good nature and his good deeds. We wish Susan and the family our condolences and our best wishes, and we hope all of us will be able to have the good memories when time begins to heal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

Mrs. LINCOLN. Madam President, I join my colleagues in expressing my heartfelt condolences to Susan, the entire Thomas family, and the people of Wyoming over the passing of our dear friend Senator CRAIG THOMAS. We have lost one of the truly great statesmen from this body who always had a kind word and a smile for me in the hallway or here in the well or in this body and anyone else he came across during the day. He had a wonderful way of calming people down and making people feel at home. I personally felt a kinship with Senator THOMAS. Our offices were not merely located in the same corner of the third floor of the

Dirksen building, we were neighbors in every sense of the word. We also had the distinction of serving together on both the Senate Finance and Energy committees. Not a day would go by that we didn't share a ride in the elevator or cross pathways in the hall or stand and visit with our staffs together.

We also both came from rural States with similar needs, and we worked together to address many of the same issues the citizens of Wyoming and Arkansas face. As one of the cochairs of the Senate rural health care caucus, Senator THOMAS was a true leader and a fighter, consistently fighting to improve access to health care for rural communities, especially for seniors. We worked on several issues together to make sure our rural constituents had a voice on health care and many other important issues. Senator THOMAS and I also were delighted to work together to improve tax fairness for the numerous disabled veterans who served our country with dignity and honor and call Arkansas and Wyoming their home.

Senator THOMAS was a tireless advocate for Wyoming and fought to ensure that the interests of his State were always protected throughout the legislative process. I can't tell you how many times I saw different constituent groups from Wyoming lined up in the hallway to visit with their very respected Senator. He was always accessible and always made time for folks who traveled so far to see him. But he also made time to visit with those who were there in the hallway, oftentimes my constituents or staff members. He was never in too big of a hurry that he couldn't stop and take the time to visit with someone, to share with them a kind word or listen to what was on their mind or in their busy schedule.

He has a tremendous staff. They all reflect the Senator's good nature. Working with his staff so closely in the neighborhood of the third floor of Dirksen, they exemplify the courage and kindness of this incredible Senator they have served.

He was a tremendous public servant, and he served our Nation courageously as a United States marine. He was a true gentleman and one of the kindest and most genuine people you would ever meet.

I am truly saddened by the loss of my friend, and my thoughts and prayers are with his dear wife Susan and the entire Thomas family. This Senate body, the State of Wyoming, and the American people have been truly blessed by his life and his service.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask unanimous consent to speak about the passing of our colleague.

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

Mr. CONRAD. Madam President, I was deeply saddened to learn last night that Senator THOMAS had lost his cou-

rageous battle against leukemia. Over the years, CRAIG and his wife Susan have become very good friends to both me and my wife Lucy. I will greatly miss him in this Chamber and, more than that, as a friend.

Senator THOMAS and I cochaired the rural health caucus. We have worked closely, along with our staffs, on rural health care issues. You couldn't find a more decent and honorable person than CRAIG THOMAS. He is from Wyoming; I am from North Dakota. We didn't always agree politically, but we always got along. I always felt I had a friend in CRAIG THOMAS.

On health care, he and I partnered over several years to produce comprehensive legislation to improve reimbursement levels for health care providers in rural areas. During the legislation that passed on comprehensive drug legislation, there were provisions included to, for the first time in many years, improve reimbursement for rural providers. It is not well known in the country or perhaps even in this Chamber that rural institutions often get one-half as much to provide the same treatment as more urban institutions. Senator THOMAS and I focused on those issues in the Finance Committee. Much of the legislation that was included in the comprehensive drug legislation to for the first time address that unfairness in reimbursement was legislation Senator THOMAS and I had offered.

We spent hours and hours together agreeing on the elements of these legislative packages. Our staffs worked closely together. They became friends.

This week we were planning to introduce together the latest version of our comprehensive rural health care legislation. This week will be a poignant one for me and my staff as we consider what might have been.

In the Senate Finance Committee, CRAIG and I worked closely together on other issues that are important to our States. We had a shared interest in the impact of trade on U.S. agriculture, whether it was unfairly subsidized foreign sugar or the Japanese and Koreans unfairly blocking exports of American beef. We also shared a deep interest on energy policy because Wyoming is an energy State, as is North Dakota. We worked together to boost transmission capacity and to support clean coal technologies and to develop coal to liquid fuel technologies.

I can tell you CRAIG THOMAS was a determined and principled Member of this body. He had real convictions. They were never far from his heart. CRAIG THOMAS was somebody who cared deeply about the people of Wyoming and the people of this country. He also was someone who could understand that others might have a different point of view. While CRAIG THOMAS might not agree with you, he was willing to listen. He was always willing to debate, but to do it in a gentlemanly way. I knew many times when CRAIG and I were debating legislation we were

going to introduce, there were simply places he wasn't going to go. He was not going to go against certain deeply held principles. But he was willing to have a discussion about how we might accomplish the goal. That is something I admired deeply about CRAIG THOMAS.

He was a tenacious advocate for improving health care for the many rural communities in his State and across the country. He was a fierce fighter for the people of Wyoming. Nobody could ever doubt that. He brought that same strength and tenacity to his fight with leukemia. Although he must have been in pain in the last several weeks, he never let it show. In fact, one of the last conversations I had with him was right here in the corner of this Chamber. I asked him how he was doing. He was upbeat and positive. I sensed he was on the mend. So it was a real shock to me to find out last night that we lost him. He continued to the very end to pursue his goals with courage and strength and as a true gentleman. We will miss CRAIG THOMAS as a friend and a colleague. We will miss that wry sense of humor. We will miss his ability to find amusement in the daily workings of this body.

Most of all, we will miss his quiet smile and that twinkle in his eye, because all of us know that is the CRAIG THOMAS who became our very good friend.

Lucy and I express our deepest condolences to Susan and to his four children and to the larger THOMAS family. We also take this moment to express our condolences to his very dedicated, loyal, and highly competent staff. CRAIG THOMAS had around him people with the same qualities he demonstrated, people of quiet dignity and people of real competence who worked very hard for the people of Wyoming and this country.

I yield the floor and 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. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WARNER. Madam President, I thank the distinguished Presiding Officer for allowing me to come over at this point in time. I shall take but a few minutes to address the Senate and the American public about the passing of a dearly beloved colleague with whom I and other Members of this great Senate have shared a friendship through the many years.

Each of us is deeply saddened at the passing yesterday evening of this valued friend and colleague. I first came to know him in 1995, when he took the seat of Malcolm Wallop. I had known Malcolm Wallop very well, still know him quite well. He was a very strong-minded, able, tough U.S. Senator, tough in the sense that he was a man of resolute convictions.

We wondered who would take his place. CRAIG THOMAS took Senator Wallop's place, and I think even Senator Wallop, were he here today to address the Senate, would agree he has followed in the footsteps of many great Senators who have come from the great State of Wyoming.

He also served as a Marine officer from 1955 to 1959. He entered as a private and was released as a captain. I say, with a sense of humility, I entered the Marine Corps as a private and parted, many years later, as a captain. Therefore, we had a special bond.

But he was able, through the years, to carry on I think one of the great attributes of the Corps—taught to all of us—and where I failed, he succeeded. I used to have a nickname for him. I called him: Ramrod. He did not have to say "I was a marine" because you could tell by the way he walked, the way he carried himself, and the way he had his chin always projecting. That is the way we were taught in the Marines. It fell by the wayside with this humble Senator, but it never left the posture of that great marine and great Senator.

As marines served over the past 5 years on the tip of the spear around the world, all of our marines, particularly in Iraq and Afghanistan of recent, it was helpful for the Senate to have Senator THOMAS's perspective in looking out for our marines in a very special way.

He was very active in the Marine Caucus, meeting for breakfast at 0800 in the morning, getting together, talking about years past, years present, and years in the future. Each year, the Commandant of the Marine Corps would come over, and, quite understandably, the job fell to Senator THOMAS, which he loved, to introduce the Commandant of the Marines.

I refer then to our Marine Corps Hymn, which all of us sing. And I quote one stanza:

Our flags unfurl'd to every breeze,  
From dawn to setting sun.

The Sun has set on this great marine, and that is how I shall always remember him. Whatever the challenges facing us in the Senate, he was steadfast, unruffled, and committed to the task at hand, like the marine he was and always will be in our memories.

It is interesting, another characteristic of marines—our good friend, Conrad Burns, being one, and to some extent myself—we tend to be rather gregarious, somewhat undisciplined and rough and ready. But Senator THOMAS was a very quiet man, very introspective in his thinking, with a smile on his face. But he could project his persona without some of the other attributes we marines pride ourselves in.

He chaired the Senate Rural Health Caucus. I am a member of that caucus, and I stop to think—I do not know how many are members of it—it was an effective caucus. We got together particularly on issues of medical care and how, through the past decades, that

care has shrunk in the rural areas because of the lack of young men and young women going in and practicing medicine and accepting the hardships and indeed the less pay the rural areas have. But he left his hallmark trying to encourage better medical care in those regions, which are in every State of our Union.

We both loved fishing. How many times we talked about trout fishing. He always said to me: John, I have a very special stream, almost untouched, largely unknown, but I will take you there someday, and you will experience a trip you will never forget. I have missed that trip.

His constituents, his loving family, and, above all, his wife Susan are in our thoughts and prayers. I ask colleagues to stop and think on those evenings when we got our evening engagements and we were, fortunately, going to be accompanied by our wives, that Susan would stand watch at the door of the Senate. I can see that spot. As you approach the Chamber, it is on the left, right there next to the column. I would always see her and wave a "hello."

So I say to her and her family, thank you for sharing in our lives the richness of the life of your CRAIG THOMAS.

From one marine to another, I simply say: Fair Winds and Following Seas to you, sir. Semper Fi.

Mr. AKAKA. Madam President, I am deeply saddened at the passing of my dear friend, Wyoming's senior Member, Senator CRAIG THOMAS. We have lost a truly dear and courageous Member of this body, whose absence will be felt. I had the pleasure of serving with Senator THOMAS for many years, both in the U.S. House of Representatives and here in the Senate since his election in 1994. I found him to be a true statesman, of great character, with a passion for serving others.

He grew up on a ranch in Cody, WY, and never forgot his roots, as he continuously advocated for rural communities and our natural resources. He graduated from the University of Wyoming with a degree in agriculture, and served our country proudly for 4 years in the Marines.

During his tenure in Congress, he forged a distinguished legislative record on issues as diverse as public land management, agriculture, fiscal responsibility and rural health care. It was a great pleasure and honor to serve with Senator THOMAS on the Senate Subcommittee on National Parks, both when he was chairman and I was the ranking member, and most recently, when our roles were reversed this Congress. Working with Senator THOMAS was a joy and privilege due to his positive and optimistic attitude. We were able to accomplish many notable things during our tenure together, as we always worked in a bipartisan manner, putting the needs and challenges of the parks and public lands before all else.

I also had the privilege of working with Senator THOMAS on the Indian Af-

fairs Committee. As the ranking member of the committee, he took seriously his responsibility to address the needs of our country's indigenous people. Knowing of the challenges faced by our Native communities throughout the country, he worked tirelessly to improve their quality of life.

I extend my heartfelt condolences and deepest aloha to Senator THOMAS's wife Susan and their four children. They should be proud that he lived a full and purposeful life, and had a positive impact on the lives of so many. He will be sorely missed. Our prayers and support are with them as they walk down this difficult path.

Mr. BUNNING. Madam President, words cannot express how sad I am that my good friend CRAIG THOMAS passed away last night. We will all truly miss his tenacious advocacy on issues, his incredible sense of humor, and his upstanding character and integrity. The Senate will not be the same without him.

I have known CRAIG for almost 20 years. I first became friends with him when we both served in the House of Representatives. We continued our friendship in the Senate, where I had the great fortune of serving with him on both the Senate Finance and Senate Energy Committees.

CRAIG was a tireless advocate for Wyoming issues. He was an effective leader in energy, public lands, tax, trade, health, and rural community issues. We stood side by side on many issues, and I always felt we could accomplish any project because I had CRAIG by my side.

He and I worked closely on energy issues in both committees. CRAIG was skilled at keeping his eyes on the details that mattered to the people back home in Wyoming. Recently, we worked together on a small issue in the landmark Energy Policy Act of 2005 that he helped craft. We learned that western coals, because of their naturally low sulfur content, would be excluded from certain clean coal programs for failing to remove the high percentage mandated by the bill. This was one of those little things that slipped by many people but not CRAIG. We have already fixed the problem in the Tax Code and are now working to do the same in the Energy Committee. It was the little things he did for the people of Wyoming that made him such a great Senator for his State.

CRAIG also pushed to make sure that both his State and the Nation had an effective energy policy. Just a couple of weeks ago, CRAIG and I sponsored an amendment during markup of the Energy Committee biofuels bill to attempt to push coal-to-liquids technology into reality. THOMAS believed this would help both the people of Wyoming by providing more jobs and cheaper energy costs and would help the Nation by reducing our reliance on Middle East oil. And although this amendment failed in committee, his dogged determination showed through

because he planned to continue fighting this issue on the Senate floor.

My thoughts and prayers go out to his wife Susan and his children, Lexie, Greg, Patrick, and Peter. They have shown incredible courage and strength the past few months.

I am honored to have known Senator THOMAS. He impacted all of our lives and will be sorely missed.

Ms. MURKOWSKI. Madam President, I appreciate this consideration. I realize we must move to the legislation before us, the issue of immigration, but I wanted to take just a few minutes this afternoon to stand in tribute to my friend, to our friend and colleague, Senator CRAIG THOMAS.

I think it is fair to say that this is very difficult for all of us here in the Senate. It has been described that we are a family. We are friends. My neighbor Senator THOMAS and I have sat on this back row together for this past year. I sit next to him in the Energy Committee. I sit next to him in the Indian Affairs Committee. He is a friend and a man whom I will miss very deeply. To learn this morning of his passing leaves me truly with a hole in my heart. I can't imagine the depth of loss the family and his wife Susan are feeling at this point.

We recognize that we were privileged to serve with a truly incredible man. I haven't served with him as long as many of my Senate colleagues. I came to know him really from a very personal perspective. I was fascinated with the fact that he is a true cowboy. I have always kind of thought that cowboys never die. He was claimed by a very terrible disease, a very terrible cancer, leukemia. Alaska mourned the loss of a young woman just last year who was claimed by leukemia. She was a world-famous dog musher. In Alaska, we say dog mushers, real famous dog mushers never die, either. So, again, my heart is very heavy.

When I got up this morning and saw on my BlackBerry the news of Senator THOMAS, there was a second BlackBerry that came to me from one of the pages who served here in the Senate just last fall. She was one of the winter pages. I was very touched by the note she sent to the head of the page program, and she forwarded me a copy of it as well. I want to read just a paragraph from her e-mail to me because I think it reflects how Senator THOMAS touched the lives of so many—not just his colleagues and not just the people of Wyoming but a young 16-year-old page from Alaska. She wrote:

My class and I witnessed some of the stages of Senator Thomas' sickness, but we never witnessed him getting upset or angry because he was feeling down and overtired due to his symptoms and treatments.

Senator Thomas was a cheerful man, always smiling and personable, even when he was not being approached. He did not have to address us at all; we were pages, mere peons in the infrastructure of what we know as the Senate. Yet, every time he entered the Senate, he warmed the room with his smile and a warm glow that protruded gently from his kind eyes. When he would speak to us, he did so with the utmost respect and thoughtfulness, truly treating us as equals. He never

looked down on us, and I believe that is why his memory has stayed with me and will continue to do so in the future.

What made Senator Thomas remarkable, aside from all this, was that at the end of the day when we were at our lowest point and we felt so tired we couldn't help but frown, he was the one that no one ever caught frowning. He was a great Senator, and from what I have had the chance to witness firsthand, a great man. I am deeply sorry for this loss, and I hope that this e-mail will attest to that. His actions and his kindness were not lost on us.

This was signed:

With utmost respect and deepest sincerity,  
Former U.S. Senate Page, Lily George  
From Anchorage, AK.

I thought it important to share that e-mail with my colleagues because, again, Senator THOMAS was one who generated warmth with everybody he reached out to, whether they were pages or Senators or people in the airport. We will miss him very deeply here in the Senate.

Mr. BOND. Madam President, today we pay tribute to Senator CRAIG THOMAS, whom we unfortunately lost to cancer last night.

Our thoughts, prayers, and sympathy go out to his wife Susan and their children during this difficult time.

I had the opportunity to work closely with Senator THOMAS on the Environment and Public Works Committee.

He was a leader in the energy, agriculture, water resources and agricultural issues that affected his State.

I highly respected his low-key, behind-the-scenes manner of getting things done.

He was forward looking; he believed that "clean technologies" were a solution both to environmental pollution and to our dependence on foreign oil.

On the Finance Committee, he was a dependable vote for fiscal sanity, tax simplification and cutting spending.

It is said around here that there are "work horses" and "show horses." By that measure Senator THOMAS was certainly a work horse. He did not aggressively seek the limelight. Instead he worked quietly and diligently, with integrity, to get things done for Wyoming.

We will miss his knowledge, competence, and his friendship.

Mr. COCHRAN. Madam President, I am deeply saddened by the death of my friend, Senator CRAIG THOMAS of Wyoming.

CRAIG THOMAS was a popular figure in his home State of Wyoming, winning a third term last November with 70 percent of the vote. He was known both at home and in Washington as honest, hard-working, decent, and effective.

He came to the Senate in 1989 through a special election to fill the vacancy left by DICK CHENEY, who had been named Secretary of Defense. He won that race with 52 percent of the vote. By the year 2000, Senator THOMAS's popularity had soared, and he won reelection with 74 percent of the vote—one of the largest margins of victory in Wyoming history.

Senator THOMAS's record of public service reaches back well before his tenure in the U.S. Senate. Prior to his

election to the Senate, he served 5 years in the Wyoming Legislature, and four years in the U.S. Marine Corps.

His positions on the Finance Committee, Energy and Natural Resources Committee, and Environment and Public Works Committee allowed him to be an advocate for issues such as conservation and fiscal conservatism. He was a champion of issues of concern to rural America such as affordability and access to quality health care services.

Senator THOMAS's home State of Wyoming is not unlike my State of Mississippi, and we often worked side-by-side on issues that face our States. He fought to improve the quality of life for the people of Wyoming and was a strong advocate for the agricultural sector of our economy. He was tireless in urging the importance of public land management and conservation of our natural resources.

CRAIG THOMAS will truly be missed in the U.S. Senate. He reflected great credit on this body. It is my hope that the spirit of fairness and decency he represented will continue to be mighty valued in the Senate as a mark of our continued appreciation of him and his exemplary service to our Nation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Madam President, I rise today to pay tribute to a dear colleague and a tireless advocate for the people of Wyoming, Senator CRAIG THOMAS.

Muhammad Ali once said, "Service to others is the rent you pay for your room here on Earth." Senator THOMAS paid his rent in full.

No truer to his State could a man be than CRAIG THOMAS was. Born and raised on a ranch outside of Cody, WY, he grew up in the Wyoming public school system, attended the University of Wyoming, served as president of the Wyoming Farm Bureau, general manager of the Wyoming Rural Electric Association. He served in both the House and Senate and returned to his State every weekend, visiting hometowns and parks, never losing sight of his constituents and their needs.

His commitment to this country led him to serve with great distinction in the U.S. Marine Corps from 1955 to 1959. Before being elected to the U.S. Congress, he held office for 5 years in the Wyoming State Legislature, where he got his start in politics. And throughout his distinguished political career, CRAIG THOMAS became known for his leadership on issues so critical to the well-being of Wyoming, issues like rural health care access, fiscal responsibility, and the protection of our Nation's park lands. As cochair of the Senate Rural Health Caucus, he urged Congress to continue its support for rural health programs like the Community Health Centers Program, which provides services to over 16 million

people living in underserved areas. This is only one of the many legacies he leaves behind.

I am sorry I could have not served longer with Senator THOMAS. My memories of him are as a kind, quiet, and humble man. He commanded enormous respect from us all, and had a clarity of vision that did not go unnoticed. In the face of a life-threatening illness, he returned to work this year with the conviction of a cowboy who knows that if you get thrown from a horse, you have to get up and get back on. His courage throughout this tremendous battle will continue to inspire those of us who follow him.

On this sad occasion of his passing, Michelle and I extend our deepest condolences to the members of his family, especially his wife Susan and his four children, to his staff, and to the people of Wyoming. I join my colleagues and fellow Americans who are praying for them and mourning their loss during this time of grief.●

Mrs. FEINSTEIN. Madam President. I rise to honor the memory of Senator CRAIG THOMAS, who passed away last night, Monday, June 4, at National Naval Medical Center in Bethesda, MD.

I knew Senator THOMAS—as we all did—as a quiet gentleman, and a dedicated advocate for the people of Wyoming.

My heart goes out to his wife Susan and to their four children.

Senator THOMAS died of acute myeloid leukemia, which he had been fighting for several months.

All of us are familiar with Senator THOMAS' courage, because we saw it here, in the Capitol, and on the floor of the Senate.

He came here to do his duty, even though he was fighting a disease that would ultimately take his life. That is the mark of true courage—not at all surprising, coming from this son of the American West.

Senator THOMAS was raised on a ranch near Cody, WY. He attended public schools, and graduated from the University of Wyoming at Laramie, earning a degree in agriculture.

After college, he served 4 years in the Marine Corps. Then he went on to become vice president of the Wyoming Farm Bureau, and general manager of the Wyoming Rural Electric Association.

He served 5 years in the Wyoming State Legislature. In 1989, he was elected to the House of Representatives in a special election to replace DICK CHENEY, who had been named Secretary of Defense. He was elected to his first term in the Senate in 1994.

Senator THOMAS was reelected to his third term last year, with 70 percent of the vote.

Here, Senator THOMAS was a strong voice for the people of his home State.

This included working to improve health care opportunities for rural families, work he pursued as a senior member of the Senate Finance Committee, and as cochair of the Senate Rural Health Caucus.

Senator THOMAS served as chairman of the National Parks Subcommittee, and his work was recognized many times by the National Parks Conservation Association.

The organization honored him with its William Penn Mott Jr. Leadership Award, and with the National Parks Achievement Award.

I had the distinct pleasure of working with Senator THOMAS on some issues close to my heart.

Earlier this year, he was part of a bipartisan coalition that joined with me, and with Senator KAY BAILEY HUTCHISON, to extend the sale of the breast cancer research stamp, which has raised \$54.9 million for breast cancer research.

Last year, Senator THOMAS joined with me to cosponsor legislation to award the Congressional Gold Medal to His Holiness, the Fourteenth Dalai Lama, in recognition of his message of compassion and peace.

And Senator THOMAS and I collaborated on a plan to use Wyoming Powder River Coal to produce cleaner electricity, which would be sold to Western States, including California.

Senator THOMAS served Wyoming and the Nation well. He will be greatly missed.

Mr. HATCH. Madam President, I rise today to pay tribute and bid farewell to my colleague and friend, my neighbor from the great State of Wyoming, Senator CRAIG THOMAS.

CRAIG brought a quiet dignity to this august Chamber. He was a Senator with the heart of a cowboy. We all knew that he would rather have been on horseback in the Wyoming prairie than in Washington, DC, but this was where the people of Wyoming needed him to be. Indeed, all citizens of America benefitted greatly from his presence in Washington, DC.

CRAIG was the champion of rural America. He quietly but tirelessly fought for the hard-working people of rural America, the people who provide us with food and energy, the wool-growers, the cattlemen, and the farmers. If ever there were a question on agriculture, CRAIG was the man to see. During his tenure in the U.S. Senate, we all relied heavily on Senator THOMAS's expertise and leadership on agriculture, rural development, and many other important topics debated by this body.

We served together on the Senate Finance Committee where he would often entertain us with his stories and experiences. I truly enjoyed listening to him and hearing about his great State of Wyoming. CRAIG had a way of dealing with the complex issues facing the Finance Committee that was very direct and meaningful. He had a way of distilling the complex tax, trade, and health care issues down to their core and ensuring that real people, with real concerns were addressed by the policies created in the Finance Committee.

I have had the distinct privilege of sitting next to CRAIG in committee

meetings, in briefings, in lunches, on the floor, and in several other settings, and I can tell you he was always a gentleman. He was always a caring legislator, and he was always a true and loyal friend.

CRAIG earned great stature and prestige in the time he spent as a leader in the U.S. Marine Corps, the Wyoming Farm Bureau, the Wyoming State Legislature, the U.S. House of Representatives, and the U.S. Senate. I am honored to have served beside him for so many years in the Senate, and I will miss my friend dearly.

I join with my colleagues in offering my condolences to Senator THOMAS's family, especially his widow, Susan. My thoughts and prayers are with them on this day as we mourn the loss of a great Senator but celebrate the life of our great and dear man. The people of Wyoming will certainly thank Susan and the rest of the THOMAS family for sharing their beloved CRAIG with them, and I believe the entire Nation would join with me in thanking Susan for sharing her great husband with us. He represented the good people of Wyoming in such a capable and dignified manner, and I know they are going to miss him. In fact, the entire Nation is going to miss him.

In this instance, I believe it is appropriate to quote the beloved cowboy song and say to CRAIG, "Happy trails to you, till we meet again."

Mr. CRAPO. Madam President, I was deeply saddened to hear of the sudden passing of my colleague from Wyoming, Senator CRAIG THOMAS. The loss we all feel at his passing is tempered by the happy memories I have of working with him on so many issues of mutual interest. His efforts and his leadership on the panels on which we served together the Senate Finance Committee, Senate Agriculture Committee, and Senate Environment and Public Works Committee—will remain foremost in my memory. I particularly admired his staunch advocacy for the needs of rural communities and farmers. CRAIG brought a special passion and expertise to issues affecting ranching families. His focus on their unique needs spanned the trade, economic, environmental, and public lands management issues of rural communities.

CRAIG brought to Congress his vision for the needs of Wyoming and rural States, and he became a strong advocate of effective resource and energy policies. I am pleased to have partnered with him in applying technologies to improving our Nation's energy generation. Although he lived his life modestly, he became a leader in national park stewardship, and the American people owe him a debt of gratitude for his promotion of the underserved National Park System. I also appreciated his long and thoughtful counsel on ways to update the Endangered Species Act.

In recent months, CRAIG took a prime role on the Finance Committee in working to simplify the Federal Tax

Code and improve entitlement and health care assistance to the least fortunate. As one who took to heart the importance of protecting the taxpayers' dollars, CRAIG was a strong proponent of restoring the sustainability of our Nation's welfare system. And CRAIG understood that economic development in rural States like Wyoming was inextricably linked to trade promotion that ensured open and fair markets abroad. I will miss his stalwart and consistent advocacy for farming communities as the Senate considered trade legislation.

As a man who represented a small State in population, CRAIG towered large over the landscape of thoughtful conservative Members of Congress. I think a fitting tribute and legacy to our late friend would be to adopt his resolution making July 28 National Day of the Cowboy. My thoughts and prayers are with CRAIG's family and friends. I will miss my good friend and colleague.

Mrs. MURRAY. Madam President, last night, the State of Wyoming lost a fine statesman and a true gentleman with the passing of Senator CRAIG THOMAS. Senator THOMAS was a strong advocate for his State and its interests. He fought hard for his priorities, and I especially admired his tireless advocacy for our Nation's beautiful parks and wilderness. He also worked hard for the priorities of rural Wyoming and indeed all of rural America, fighting hard to improve health care infrastructure.

Senator THOMAS dedicated his life to serving his country and his State. After graduating from the University of Wyoming, he joined the Marines and began his long career of service. Even when faced with his final battle with cancer, he continued to fight on for Wyoming and serve with distinction.

But the Senate lost not only an outstanding advocate but a wonderful person. More than anything, I will remember Senator THOMAS as a man who carried himself with dignity and who treated all of his colleagues with respect, despite party differences. More than any debate, committee hearing or piece of legislation, it is his warm smile that I will remember most. I know he did a fantastic job representing the State of Wyoming, and I am honored to have known and worked with him.

My thoughts and prayers are with his family and friends during this difficult time.

Mr. BYRD. Madam President:

I saw the sun sink in the golden west  
No angry cloud obscured its latest ray.  
Around the couch on which it sank to rest  
Shone all the splendor of a summer day.  
And long though lost to view, that radiant light  
Reflected from the skies, delayed the night.  
Thus, when a good man's life draws to a close,  
No doubts arise to cloud his soul with gloom,  
But faith triumphant on each feature glows,  
While benedictions fill the sacred room;  
And long, long do men his virtues wide proclaim

And generations rise to praise his name.

It is with deep sorrow—deep sorrow—that I note the passing of our colleague Senator CRAIG THOMAS of Wyoming. He was my friend. He always passed here and I would say: How are you doing today, Cowboy?

First elected to the Senate in 1994, Senator THOMAS was twice reelected to the Senate by some of the widest margins in his State's history, one time reaching 75 percent of the vote. It is hard to beat that.

As has already been mentioned today, he was one of the very few people from Wyoming to have represented his State in both houses of the Congress, over there and over here. Here in the Senate, I found him to be a most considerate and patient colleague. He was always willing to step aside for another Senator who sought recognition. He was a nice man, a very quiet man with a radiant smile, staying out of the spotlight, working behind the scenes, always ready to cooperate and work with others for the good of our country. He was a good, decent human being.

Yes, we represented different political parties. Yes, we sometimes held different political views, and we came from vastly different parts of the country, but we shared important common interests and objectives. With his State of Wyoming being the No. 1 coal-producing State in the Nation and my State of West Virginia being No. 2, I always appreciated his support for clean coal technologies and legislation that promoted the use of coal. I always appreciated his interest in and support of our country's beautiful and magnificent national parks. As chairman of the National Parks Subcommittee on the Energy and Natural Resources Committee, he sponsored legislation that both protected and promoted these national treasures.

Just as this former marine dedicated his life to his country, he dedicated his career in the Senate to improving the quality of life for rural America. As co-chairman of the Senate rural health caucus, he worked tirelessly to improve the quality of rural health care. He was truly a fine Member of this institution and a great American who will be missed by his colleagues, certainly by me, and by the people of Wyoming.

I express my sincere condolences to his wife Susan, to his sons and other members of his family, to his staff, and to the people of Wyoming. All of us will miss Senator THOMAS. But we will always retain our very fond memories of him, CRAIG THOMAS. Bless his soul. May God bless him.

I repeat these few verses in his memory:

Let Fate do her worst,  
There are relics of joy,  
Bright dreams of the past,  
Which she cannot destroy;  
Which come, in the night-time  
Of sorrow and care,  
And bring back the features

That joy used to wear.

Long, long be my heart  
With such memories filled,  
Like the vase in which roses  
Have once been distilled;  
You may break, you may shatter  
The vase, if you will,  
But the scent of the roses  
Will hang round it still.

Goodbye, CRAIG. I will miss you. But we will meet again on that far shore where the roses never wither and the flowers never fade.

Mr. KYL. Madam President, I am going to have a statement printed in the RECORD, but I did wish to say something this evening before the evening is over about our colleague, CRAIG THOMAS. CRAIG was a wonderful friend of all of us. In my case, being a fellow Westerner, I had a special affinity for CRAIG. He was a fellow I could talk to—without talk. Particularly a cowboy such as CRAIG can communicate with you in a real Western way that doesn't require a whole lot of "jibber-jabber," as he would say.

CRAIG was a man of the earth. He really was a cowboy, and a good one at that. He took that kind of set of Western values, of not talking a whole lot but meaning what he says and saying what he means, into the political life. When he came to the Senate, I think everyone appreciated that quality in him.

By the way, I would say he reminds me of my colleague, the Senator from Alabama, in that regard. You never have any doubt about where the Senator from Alabama stands and you never had any doubt about where Senator CRAIG THOMAS stood. That is a quality we need in our public officials today.

CRAIG's wife Susan is a wonderful friend of mine and of my wife Carol. Our hearts go out to her and their family tonight. But she does have, at least, I think, the solace in knowing that people all over this country—not just from their home State of Wyoming—have tremendous respect for the achievements of her husband CRAIG and the way in which he handled himself as a Member of the Senate, never letting an ego take over what he understood to be his primary responsibilities.

He was quiet and he was humble. He was serious and he was very hard working. He stood up for the interests of the people of his State. He was a great patriot for the United States of America. But he never took himself so seriously that he gave even a hint of pomposity or being someone who didn't understand where he was grounded.

We will miss CRAIG THOMAS immensely. We will never forget him as a loyal friend, a patriot, and someone who was quintessential in the way he represented his area of the United States and, in particular, his constituents in the State of Wyoming.

I thank the Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator KYL for his good remarks. I thought perhaps tomorrow I would have the ability to focus on our

loss, but I will attempt tonight to say a few words about our colleague, CRAIG THOMAS. I loved CRAIG THOMAS. He was a person who came from the West. He understood where he came from. He understood the values with which he was raised, and he reflected those daily in his work in the Senate without ever bragging about it or talking about it. People just knew it. He was a man of character and integrity, a man who, as Senator KYL indicated, never allowed personal ego to interfere with his commitment to serve his constituents and his Nation.

We had a visit to Iraq together not too long ago. Things had not been going well. He would ask penetrating questions. He would ask: When are the Iraqis stepping up and how much are they doing so? How long do we continue to put our troops at risk if they are not carrying their load?

He did it in a way that was sincere and raised fundamental questions of great importance.

CRAIG liked issues. He believed in a series of principles that made America great. He cared about those principles. For a time, he volunteered to come to the floor and be a part of a message team for the Republican Senate Members and spent a good bit of time at it—over a year or two. During that time he would articulate the basic premises and values that I think are foundational for the Republican Party and for most Americans.

I would say to our wonderful friend Susan, our prayers and our sympathies are with you. We can only imagine the loss you have sustained. We have watched in these past months the courage that CRAIG had displayed as he suffered from the terrible disease that he had. We saw the strength that he had, his refusal to stay at home but his determination to be at work. I had several examples of it in which I talked to him, and I said it is not necessary for you, you need to rest up. He knew he was susceptible to infection. But he was determined to fulfill his responsibilities as a Senator and he did so in a way that all could be proud.

He ran the race and he fought the fight. He served his country with great skill and ability. Our respect and love is extended to the family and our prayers are with him and the family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I am aware of the hour of the recess, and I will be very brief. But I wished to come and express my condolences to the family of Senator THOMAS and to share for them, spread upon the pages of the CONGRESSIONAL RECORD, the fact that a faithful member of the weekly Senators Prayer Breakfast was Senator THOMAS.

The gathering is private. Senators only. All Senators check their egos and check their partisanship at the door and join together as friends in a spiritual setting.

What a delight it was for this Senator to share that collegiality with Senator THOMAS on a weekly basis in the proceedings of the Senate. For that friendship, that collegiality, I am especially grateful.

Madam President, I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CARPER). Morning business is closed.

#### COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.

Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of U.S. citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.

Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.

McConnell amendment No. 1170 (to amendment No. 1150), to amend the Help America Vote Act of 2002 to require individuals voting in person to present photo identification.

Feingold amendment No. 1176 (to amendment No. 1150), to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

Durbin/Grassley amendment No. 1231 (to amendment No. 1150), to ensure that employers make efforts to recruit American workers.

Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to \$24 billion in the 10 years after passage of this act by preventing the earned-income tax credit—which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government—from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to \$24 billion in the 10 years after passage of this act by preventing the earned-income

tax credit—which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government—from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.

Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.

Cornyn (for Allard) amendment No. 1189 (to amendment No. 1150), to eliminate the preference given to people who entered the United States illegally over people seeking to enter the country legally in the merit-based evaluation system for visas.

Cornyn amendment No. 1250 (to amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information.

Salazar (for Clinton) modified amendment No. 1183 (to amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives.

Salazar (for Obama/Menendez) amendment No. 1202 (to amendment No. 1150), to provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated.

The PRESIDING OFFICER. Under the previous order, the time until 3:30 this afternoon shall be for debate with respect to amendment No. 1189, offered by the Senator from Colorado, Mr. ALLARD, and amendment No. 1231, offered by the Senator from Illinois, Mr. DURBIN, with the time equally divided between the managers and the amendments' proponents.

Who yields time? The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I see Senator ALLARD on the floor to move forward with his amendment, and we will be using the time between now and 3:30, obviously, for debate on the subjects.

I understand the Senator from Alaska wishes to take—how long would the Senator like?

Ms. MURKOWSKI. Three minutes.

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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

The PRESIDING OFFICER. Who yields time? The Senator from Colorado is recognized.

#### AMENDMENT NO. 1189

Mr. ALLARD. Mr. President, I rise in support of amendment No. 1189 which strikes the supplemental schedule for Zs. We are scheduled, I understand, to vote on it around 3:30 or so. So I wish to take a few moments to talk about my amendment, which I think addresses a great inequity in the bill, one that rewards lawbreakers over law abiders. Ironically, this inequity is in the same section of the bill that rewards would-be immigrants based on merit. To be clear, I strongly support ending chain migration. I think the bill moves us in that direction, and I think that is

great, and then moving us to a system of merit-based immigration. However, I believe all applicants under the merit-based system should be on a level playing field.

By now, I believe most of us are familiar with the bill's merit-based system which awards points to immigrants based on criteria such as employment, education, and knowledge of the English language. What many of us may not know is the enormous advantage the bill's point system gives to people who have violated our immigration laws relative to people who are seeking to enter this country legally. I am referring to this so-called supplemental schedule for Zs which my amendment strikes. This separate schedule awards up to 50 bonus points—points that are unavailable to people who have never broken our immigration laws—to holders of Z visas seeking permanent status.

Holders of Z visas are defined as lawbreakers in the bill. In fact, this bill specifically requires that an alien prove that he or she broke the law in order to even be eligible for the Z visa. In effect, this supplemental schedule rewards people who enter the country illegally. Worse yet, it disadvantages other qualified people who seek to enter this country legally.

The bill's stated purpose of adopting a merit-based system is that the United States benefits from a workforce that has diverse skills, experience, and training, and I happen to agree. I am simply not convinced that a history of breaking the law contributes to this goal more than education and actual experience on the job. So my amendment simply strikes the special schedule that makes people who have violated our immigration laws eligible for 50 percent more points than anyone else. Z visa holders would, however, still be eligible for up to 100 points under the regular schedule—the exact same number as anybody else. We should not reward those who have broken the law, and we certainly should not punish those who have abided by the law.

Now, an argument that has been made against this amendment is that somehow or other it will strike at the heart of the AgJOB provisions. My amendment does nothing to limit the number of agricultural workers. The number of H-2A agricultural visas remains uncapped. Under current law and under the bill, there is no numerical limitation on agricultural visas. Even though it is unlimited, only about 35,000 H-2As are issued each year. If this bill passes, anywhere from 12 million to 20 million illegal aliens will instantly gain legal status. The question is: Are those people not able to fill these agricultural jobs? Of course they are.

My amendment addresses people who are applying for citizenship, not work, under the new merit-based system. It puts applicants for citizenship on a level playing field whether they

worked in agriculture, whether they worked in construction, whether they worked in tourism, or whether they worked in any other industry. On the one hand, you say you want a merit-based system in the bill, and on the other hand, you say you want to give preferences to certain classes of people. My argument is simply that you can't have it both ways, and my amendment simply levels the playing field.

I urge my colleagues to support this amendment to level the playing field under the merit-based evaluation system, which I think is a good idea. I would urge my colleagues to vote for the Allard amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Senator from Colorado for his amendment and for his analysis. I understand the reasoning and the point behind what he is seeking to do.

The preference, which is contained in the proposed legislation, was structured in an elaborate arrangement with what has been accurately called the very fractional coalition. In order to get certain other concessions in the bill, it was deemed necessary to give this preference to the agricultural workers. You can justifiably raise an issue as to why give a preference to agricultural workers, and the answer, although not very satisfactory, is because it is part of an interwoven accommodation on many provisions of the bill. That is why, as one of the managers of the bill, I am constrained to object and to urge my colleagues to vote against the amendment.

Mr. ALLARD. Mr. President, I understand and appreciate the ranking member's position on this particular piece of legislation. This part of the bill is not well drafted, and I hope we can get this amendment passed and then send a message to the conference committee that this part of the bill needs to be worked on so that we don't allow people who are here illegally an opportunity to step ahead of those citizens who have come here legally. If we can adopt my amendment, then I think the will of the Senate gets clearly expressed to the conference committee, and hopefully the problem with the drafting that has occurred with this section of the bill can be straightened out and preserve the compromise that the ranking Republican from Pennsylvania is striving to hold on to.

Mr. SPECTER. Mr. President, on the issue as to the contention by the Senator from Colorado that they are moving ahead of people who are here legally, factually I believe that is not so. The bill is structured to clear up the backlog of all of those people who are waiting now, and they will have their status resolved in an 8-year period—those who are following the procedures which are legal at the present time.

It is after that occurs that the 12 million undocumented immigrants will come in, and then there will be points

preference for those among the illegals who are here, who are the farm workers. I do not believe we are putting anybody who is here illegally ahead of those who are here legally.

Mr. ALLARD. If I may respond, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. This is where the issue comes up. It is not exactly clear in this paragraph where it provides supplemental points for citizenship, or when in time it begins to apply. If it gets applied in one way in the bill, then the argument my colleagues make is probably valid. But if it gets put in another place in the bill, my arguments apply. This is where we have a drafting problem within the bill.

My hope is that with the adoption of my amendment we will call this to the attention of the conference committee, and this can be rectified when we go to conference.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the seventh day that we have been on this legislation. We voted on 17 amendments. There are 13 others pending to the bill. We will be voting on those very soon.

Over the past week, as the Senate has been in recess for Memorial Day, we witnessed a healthy debate across the country as Americans across the political spectrum have expressed their views on this legislation. Some support our legislation, others oppose it. With all of the editorials and newspaper articles and phone calls from the constituents, one theme occurs loud and strong: Americans know our immigration system is broken and they want us to fix it. This week we have a chance to meet that challenge for the good of the Nation.

We have a bipartisan bill before us. It has the support of the President. I believe when we complete the debate in the Senate we will adopt it. It enforces our borders; it cracks down in the workplace by going after employers who hire illegal workers; it brings the 12 million families who are here out of the shadows; it speeds up the reunion of families waiting legally in line who otherwise may never make it here; it sets up an immigration for the future that continues to reunite families, while stressing our Nation's economic needs. That is our program. It is strong, practical, and it is fair.

I know the Senator from Illinois is looking to address the Senate. First, I want to speak briefly on the Allard amendment.

The Allard amendment seeks to strike a blow at one of the central pillars of comprehensive immigration reform, which is the earned legalization program for undocumented people who are working and contributing in the United States. Virtually every demographic snapshot of the American public supports a practical solution for

bringing the undocumented population into the light of day. The tough and practical solution contained in the bill requires undocumented workers to pay hefty fines and penalties, undergo background checks, clear up back taxes, learn English, continue working for a period of years in a probationary status, and go to the back of the line. Only after 8 years, after getting right with the law and proving their commitment to becoming Americans, are these workers provided an opportunity at legal permanent residence.

The Allard amendment seeks to nullify that shot at the American dream. It does so by eliminating the separate point schedule included in the bill for Z visa holders and the agricultural job applicants. The point schedule for Z visa holders and AgJOB applicants is designed to determine when they can apply for permanent residence, not whether they can apply. Eligibility to apply for permanent residence is earned by complying with tough requirements. I just mentioned them—paying fines, working hard, learning English, going to the back of the current line, and reentering the country legally.

The intent of the Allard amendment is to require undocumented immigrants to compete with other future intending immigrants under the new merit-based system. There are two different merit systems, one for the temporary and one for agriculture. The amendment of the Senator from Colorado eliminates the one designed for agricultural workers. But given the merit-based system and the strong preference for the highly educated, this amendment is an attempt to keep the undocumented workers from ever obtaining permanent residence.

The educational profile of the undocumented workforce is such that these workers will never, ever be able to compete in a meaningful way for the pool of merit-based green cards. As such, if it were to pass, the amendment would create a permanent underclass of lower skilled workers living here in legal limbo indefinitely without the rights or opportunities afforded to legal permanent residents.

Similar situations are played out in other countries, resulting in highly problematic, even disastrous consequences. That is not the American way. I hope people will vote no on the amendment.

Mr. President, the aspect of this legislation that deals with the agricultural workers is called the AgJOBS bill. Senators CRAIG and FEINSTEIN are two of the principal sponsors. I have been a long-time sponsor. We are talking about agribusiness primarily in California but also in other parts of the Nation. We are talking about an agreement that was worked out between the farm workers and the agribusiness. These are two groups of people who have been at each other's throats for years. I was here when we abolished the Bracero Program, basically the ex-

ploitation of workers in the United States. It was a shame and a stain on the American workforce ethic. Then we had, over a long period of time, with the leadership of Cesar Chavez, an attempt to get justice for probably about 900,000 agricultural workers, who do some of the toughest work that is done in this country. No question, half of them are undocumented—probably 600,000 or 700,000 is the best estimate we have. They have been able to work out an agreement between agribusiness and these farm workers, which we basically included in this bill.

What we were saying, basically, under the earlier provisions is that they would be able to gain the opportunity for getting a green card in 5 years. Under this legislation, it is 8 years they have to wait. They have to demonstrate that they have worked hard in the agricultural sector. They have to demonstrate that they paid their taxes and that they are attempting to learn English, and they have to meet all of the other requirements. At the end of that time, this legislation says to those people who have been a part of our system that they will have some opportunity to get a good deal of credit for working in agriculture in America.

The amendment of the Senator from Colorado strikes that provision. So these individuals who will be competing with the other provisions that have been put into this legislation for the more skilled—there are provisions in there for lower skilled, but it is basically for the higher skills. This undermines the core part of this kind of agreement that was made. There are a number of provisions in this legislation we have spelled out. There is border security and the local law enforcement, which are important; and there is AgJOBS, the DREAM Act, which the Senator from Illinois has fought for and made sure was important. There are other very important features in this legislation.

What we would basically do with the Allard amendment is say we are going to change the mix, change the system. We have worked out a system saying agricultural workers are important. They have been able to work out their agreement. There were 67 Members of the Senate who signed on, Republicans and Democrats. We basically incorporated that, although we have extended the time for those workers. The effect of the Allard amendment, as I read it, is that we are saying that is not an agreement that we are going to continue to be committed to. We are going to say those undocumented workers are going to have to compete with those who are more highly skilled.

This legislation is a balance between the AgJOBS, the DREAM Act, and the fact that we are going to permit those 12½ million people who are undocumented now to live here without fear of deportation and continue their jobs and give them, if they meet these other

requirements after 8 years, in the next 5 years the possibility of getting a green card, and 5 years later be able to get citizenship with a long time in between, with heavy fines. The Allard amendment would undermine this understanding and agreement in a way that will disadvantage in a significant way the agricultural workers and other low-skilled individuals in this whole process.

I think in that sense, as the Senator from Pennsylvania pointed out, it would be unwise and unfair from a policy point of view.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Agriculture Coalition for Immigration Reform saying:

We write to urge your opposition to the Allard amendment . . .

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

AGRICULTURE COALITION FOR  
IMMIGRATION REFORM,  
June 5, 2007.

DEAR SENATOR: we write to urge your opposition to the Allard amendment #1189, scheduled to be voted on late this morning.

By striking the merit point schedule for Z-visa workers, the amendment would have the practical effect of eliminating incentives for all workers subject to the merit system, including farm workers, from providing the work necessary to sustain our economy in the future. Retaining the experienced agricultural labor force is essential to stabilizing the farm labor crisis while consular capacity and farmworker housing are built over a period of several years to allow agriculture to rely more heavily on a reformed H-2A program.

This amendment directly undermines the merit point system, which is critical to the successful implementation of Title VI. Title VI is essential to American agriculture in ensuring a stable and legal agricultural workforce.

ACIR urges that you oppose this amendment. We also have letters from Colorado agricultural groups opposing this amendment.

Thank you for your support for fixing America's broken immigration system and solving the worsening farm labor crisis.

Sincerely,

LUAWANNA HALLSTROM,  
ACIR Co-Chair, Harry  
Singh & Sons, CA.

CRAIG J. REGELBRUGGE,  
ACIR Co-Chair, American  
Nursery &  
Landscape Assn.,  
DC.

JOHN YOUNG,  
ACIR Co-Chair, New  
England Apple  
Council, NH.

Mr. KENNEDY. Mr. President, I see the Senator from Illinois. I will take a moment, if we have time, to go through this excellent letter that expresses reservations and opposition to the Allard amendment.

Mr. DURBIN. Mr. President, it is my understanding that I have been allocated 18 minutes to speak on behalf of amendment No. 1231.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I would like the Chair to notify me when I have spoken for 8

minutes, and I will reserve time for Senator GRASSLEY who will also come to the floor.

## AMENDMENT NO. 1231

This immigration bill is long overdue. Our immigration laws in America have failed us. Since 1986, when President Reagan issued amnesty, we thought for a long time we had laws on the books that would stop the inflow of workers from overseas. We were wrong. Up to 800,000 come into our country each year. Three-fourths of them stay. When you do the math over a 20-year period of time, you realize how we ended up with 12 million undocumented workers in America.

Our immigration system has failed. Let me salute Senators KENNEDY, SPECTER, and all those who worked on trying to rewrite these laws.

You can turn on the television any afternoon or evening and hear the screamers on the cable channels telling you how terrible it is that we are considering this law. Think for a moment. Those people screaming about this effort are endorsing what we currently have—a broken down, failed system that is unfair to the workers of America, unfair to our Nation, and unfair to those who were here working as part of our economy.

What Senators KENNEDY and SPECTER are trying to do is fashion a way through this madness to a law that will work. Are we sure it is going to succeed? Of course not. We cannot be sure. This is just the best of a human effort. But what they have tried to do is build into this concept basic principles. One of those principles that I think should be the bedrock of our discussion is this: Under this bill, we will have hundreds of thousands of new people coming into the United States each year to work. The arguments are made that we need them to pick crops that Americans don't want to pick. I think that is a fact. Also, we need them to fill jobs that many Americans don't want to take. Go to any packinghouse, whether it is a meat or poultry house in America—I know a little bit about that; that is the way I worked my way through college. Those are tough, dirty, hot jobs—and you will find many undocumented workers there because, frankly, people don't absolutely want to work in these places. We need to bring in these workers to fill jobs that Americans are not going to take.

Then there is another level of workers, those who have skills that we need in this country. When Bill Gates of Microsoft says: I need the opportunity to bring in software engineers so Microsoft can expand its production operations in America, and if you don't give me that chance to bring in foreign engineers, I am going to have to put a production facility overseas where I can find the same engineering talents, well, I want those jobs in America. I want those production facilities in America. I am willing to listen to his request for H-1B visas.

Whether we are talking about AgJOBS, jobs in these packing houses

or jobs in Silicon Valley, we should have one guiding principle, and the guiding principle is this: Hire Americans first. Hire Americans first.

Under this bill we are considering, the guest workers who come in are subject to that requirement. Someone cannot ask for a guest worker to take a job if there is an American that will take that job first. But there is a glaring loophole. The loophole says: If the Secretary of the Department of Labor announces there is a labor shortage in an area, then they waive the requirement to look for American workers first. But we, in this bill, fail to define what a labor shortage is. What does it mean? It means a lot of employers will be off the hook. They will be able to bring in guest workers and never ask an American to take the job. I don't think that is right.

Senator GRASSLEY and I have introduced this amendment. It eliminates this loophole, eliminates this labor shortage exception, and makes it the hard-and-fast rule when it comes to guest workers that we must hire Americans first. I hope my colleagues will take a look at this and consider it.

Let me say a few words about the H-1B visa. Senator GRASSLEY and I took a look at these H-1B visas. These are special visas with specialty talents to come in because there are not enough Americans with those talents. We took a look at those H-1B visas and, unfortunately, there are some companies that are gaming the system. There have been exposes across America where these so-called H-1B brokerage houses have been created. These are not high-tech companies looking for people with H-1B visas. These are companies, by and large in India, that try to bring in Indian engineers to fill jobs in the United States.

The H-1B visa job lasts for 3 years and can be renewed for 3 years. What happens to those workers after that? Well, they could stay. It is possible. But these new companies out of India have a much better idea for making money. They send the engineers from India to America to fill spots—and get money to do it—and then after the 3 to 6 years, they bring them back to India to work for the companies that are competing with American companies. They call it their outsourcing visa. They are sending their talented engineers to learn how Americans do business and then bring them back and compete with those American companies. Is that what we have in mind here? Is that our goal, to create more opportunities for people to create businesses around the world to compete with us? I think not.

Senator GRASSLEY and I are trying to tighten up the H-1B visa. We wish to make sure that only those who are absolutely necessary are brought in, and, first and foremost, that we fill job vacancies with Americans who are out of work and Americans who are graduating from schools and developing the skills that are needed. Our first respon-

sibility, whether it is in guest workers or H-1B visas, is to hire Americans first.

The amendment the Senate will consider in a short period of time, No. 1231, which Senator GRASSLEY and I have offered, applies to the guest worker program. But it comes down to this basic concept, and I hope my colleagues will support me: Shouldn't this new guest worker program include the same protections for American workers? I think they should. Otherwise, in the future, we are going to see companies advertising that no Americans need apply for these jobs. We don't want that to occur. We wish to make it perfectly clear that companies doing business in the United States must first give priority to American workers; that they are bound by law to do that.

Plain and simple, that is what the Durbin-Grassley amendment will do. This amendment is supported by the labor community, including the AFL-CIO, the Laborers' Union, the Teamsters, and the Building Trades.

Mr. President, I ask unanimous consent that a letter from the AFL-CIO supporting the amendment be printed in the RECORD.

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

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

*Washington, DC, May 24, 2007.*

Sen. RICHARD J. DURBIN,  
*Washington, DC.*

DEAR SENATOR DURBIN: On behalf of the AFL-CIO, I write to offer strong support for your "Recruit Americans First" amendment to the Secure Borders, Economic Opportunity, and Immigration Reform Act (S. 1348). Your amendment would prevent employers from avoiding compliance with the bill's domestic worker recruitment requirement.

S. 1348 would require employers to recruit workers from the domestic workforce before hiring guest workers under the new Y guest worker program. However, this recruitment requirement would be waived if the Secretary of Labor determined that there is a labor shortage in the occupation and geographic area in which the employer seeks guest workers. The bill does not specify any standards to be employed in making this determination, which would be left solely to the discretion of the Secretary. The Durbin amendment would strike this waiver so that all employers petitioning for Y guest workers would be required to recruit workers from the domestic workforce before hiring Y guest workers.

Thank you for your continued efforts to improve the pending immigration reform bill.

Sincerely,

WILLIAM SAMUEL,  
*Director,  
Department of Legislation.*

Mr. DURBIN, Mr. President, I urge my colleagues to support this amendment, and I reserve any time remaining for Senator GRASSLEY, who will be coming to the floor shortly.

The PRESIDING OFFICER. The Senator has consumed 7 minutes 25 seconds.

Mr. DURBIN. I reserve the remainder of my time.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the quorum time be equally divided between opposing sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, the pending amendment, offered by the Senator from Illinois, is unnecessary because American workers are fully protected under existing law. This amendment would simply slow down the process, have a 90-day delay, require advertising, which is unnecessary, and would thwart the efforts of people undertaking important activities to get necessary workers.

The current statute and regulations provide that:

The Secretary of Labor must determine that there is a shortage of U.S. workers and that the hiring of foreign workers will not adversely affect the wages or working conditions of U.S. workers similarly employed in the following occupations: physical therapists, registered nurses, and aliens of exceptional ability in the sciences or art.

Now, there can hardly be any doubt, as it is a matter of common knowledge, about the shortage of registered nurses. That is illustrative of the kinds of jobs which can be filled not to the detriment of American workers because there has been a determination made that in these categories there are no workers available. With regard to the category of aliens of exceptional ability in the sciences or art, the regulations specify the following:

Include college and university teachers who have been practicing their science or art during the period of their immigrant petition and who intend to stay in the same occupation in the United States.

Another category provided under the regulation:

Applicant with exceptional ability is one who possesses a level of expertise above that which would normally be encountered in the field.

Now, while that is a generalization, it can certainly be sensibly applied. The regulation further provides that:

Applicant would need to provide evidence of the applicant's widespread acclaim and international recognition by recognized experts in the alien's field, such as the Nobel prize.

What we have in effect at the present time is a system which is adequate to protect the American workers. The Senator from Illinois is no more concerned about the protection of the American workers than the Senator from Pennsylvania, but the question is how we get there. What this amendment essentially does is to delay the process. The nurse example is perhaps the best. It is well-known that we have an insufficient supply of nurses in this country. If we have somebody who is

not an American citizen, an alien, who is qualified to be a nurse, why not make that nurse available to a hospital which needs a nurse? Why not make that nurse available to a nursing home which needs a nurse, rather than have a delay and have advertising?

If the system offered by the Senator from Illinois works, they do no better than what the Secretary of Labor has undertaken to do. The Secretary of Labor can be trusted to be interested in protecting American workers, but there is a determination that there is a shortage. So this amendment is not only unnecessary, it would be counter-productive.

Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand I have 8 minutes; is that correct?

The PRESIDING OFFICER. It is now 7 minutes, due to the quorum call.

Mr. KENNEDY. If the Chair will notify me when I have 3½ minutes, I would appreciate it.

Mr. President, I support the amendment offered by my colleague from Illinois. I think it makes a needed change in the legislation, one that will help provide additional protection for American workers, and I thank him for calling the issue to our attention.

The amendment is very simple. It would require every employer who wants to bring guest workers into the country to advertise for and recruit American workers first. This is a general principle that has been agreed to, certainly by me and my colleagues, and one that I am sure most Members of the Senate would support.

Senator DURBIN's language ensures this principle is implemented fairly and effectively with respect to all employers who are looking for more workers. Specifically, it eliminates an exception in those areas where the Department of Labor has determined there is a shortage of U.S. workers in the occupation and area of intended employment.

The shortage occupation idea relies on an exception in existing law which applies to green cards but not in the temporary worker context. So I agree with Senator DURBIN that in the context of ensuring that temporary workers do not unfairly compete with Americans, we do need an exception to this rule. This legislation is based upon the principle that guest workers should only be brought in if Americans cannot be found to fill these jobs, and what better way to ensure this is the case than to require all employers advertise these positions broadly.

I know there are some Members who might say that since this exception only applies when the Department of Labor says there is a shortage of workers to fill these jobs, that we shouldn't

require employers to advertise. I would argue the opposite: Because we know employers are seeking more American workers, they should easily be able to meet the requirements under these laws.

I mean, the fact remains you might have a shortage in a particular area or region designated by the Department of Labor, but there may be hospitals in those areas that have more than they need; with other hospitals having less. If those other health facilities are looking, they are probably investing in trying to find additional workers and are probably advertising in any event. This makes sure they are going to give the first opportunity—and there are other requirements in the legislation that give the first opportunity to Americans to be protected.

It doesn't seem to me this would be onerous or more costly. It may be, for example, that elsewhere in the country there are Americans who are willing to fill these jobs. Maybe there are groups of Americans who have traditionally been overlooked or discriminated against who will want to know of these opportunities so that they can have a fair chance. For all these reasons, I support the amendment, and I urge my colleagues to do so as well. I think it makes a good deal of sense, and I would hope that it would be accepted.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator has consumed 3½ minutes.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I wish to speak on the bill for 5 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I would like to discuss amendment No. 1231. I cosponsored this amendment with the senior Senator from Illinois to protect American workers. The amendment would require employers who intend to hire foreign workers to first recruit and find Americans to do the job.

The bill before us creates a new guestworker program, known as the "Y" visa program. I support this guestworker program. In fact, I voted to keep this program in the bill when the Senator from North Dakota offered an amendment to strike it.

I have consistently said that I support new and expanded avenues for willing workers to enter the United States and work for employers who need them.

Our country's employers want to hire legal immigrants. They need a better program, and one that allows nonseasonal or nonagricultural workers to come here.

We have programs—such as the H-2A and H-2B visas—to bring in willing workers. But, there are some jobs that

don't fit these categories. For example, in Iowa, we have meatpacking and egg processing facilities that require low-skilled workers. Yet they do not have a legal channel to bring in workers. Our existing visa categories don't help them. The "Y" visa program will.

But, the bill is flawed in that it doesn't require these employers to first recruit Americans. Companies who use the "Y" visa program should try to find U.S. workers first.

How can anyone argue against that? Why not offer the job to U.S. citizens before bringing in more foreign laborers?

Under the bill, employers who use the "Y" visa program may be required to recruit U.S. workers through their State agencies, job sites, and trade publications.

Some employers will be required to "first offer the job with, at a minimum, the same wages, benefits and working conditions, to any eligible United States worker who applies, is qualified for the job and is available at the time of need."

But, as throughout this entire immigration bill, there are waivers, exceptions, and ways of ducking out of such requirements. The authors of this bill make it seem as though Americans will be recruited first. However, these requirements are at the discretion of the Secretary of Labor. The Secretary can decide who has to fulfill these requirements.

The Durbin-Grassley amendment will ensure that all employers who use the "Y" visa program are looking first at U.S. citizens before looking abroad. I think that is what we all want. We should agree to this amendment for the sake of American workers.

The PRESIDING OFFICER. Who seeks time?

Mr. GRASSLEY. Since nobody is seeking the floor, I suggest the absence of a quorum and ask that time be charged against all sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. 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. ALLARD. Mr. President, we are drawing to a close here. I have most of the time, I believe. I want to make a few comments on my amendment and then yield 1½ minutes to Senator KENNEDY. I think he needs that to wrap up arguments on his time. I will be glad to yield him that time.

My amendment strikes the supplemental schedule for Zs. Basically this section of the bill provides an advantage for those who came in illegally in applying for citizenship, as opposed to those who came legally.

This is a question of basic fairness. I know there is debate related to one part of the workforce as to another

part of the workforce. I am not concerned about that. I am concerned about this as a basic fairness issue. I believe this supplemental schedule for Zs rewards those who came here illegally, and could disadvantage those who came legally. I am here to ask that the Members of the Senate support my amendment, because the bill's stated purpose of adopting a merit-based system is that the United States will benefit from a workforce that has diverse skills, experience, and training.

I happen to agree with that. However, I am simply not convinced that a history of breaking the law should contribute to this goal more than education or even experience. So my amendment simply strikes the special schedule for Z visas that allows people who have violated immigration laws eligible an additional 50 points. Z visa holders would, however, still be eligible for up to 100 points under the regular system, the exact same number as anybody else.

I urge my colleagues to join me in voting for the Allard amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his graciousness in yielding a minute and a half.

I am opposed to the Allard amendment. We have in this legislation very important commitments to, one, the AgJOB workers, and we have also said for the 12 million: If you pay the fines, you go to the back of the line, you work hard, you demonstrate you are going to be good citizens for the 8 years until all of the line is cleared up, and we have a way for dealing with these individuals to permit them at least to get on the path for a green card and eventually citizenship.

The Allard amendment changes all of that framework. Under the Allard amendment, we were basically saying to those who are working in agriculture, because as his amendment shows, they get a big chunk of points on this kind of thing, that that would be eliminated, and that agricultural worker who has been playing by the rules, who is a part of the AgJOB's bill, will lose out in any kind of competition in terms of green cards and the opportunity to move on into citizenship, because the other one will have the skills, will have the points, and those agriculture workers and the other lower skilled workers will not have the opportunity to do so. It will change the framework of the bill in a very important way. I know he is looking for equity in terms of all workers here to be able to start a new day. We have worked long and hard in terms of the ag workers in terms of how we are going to treat the undocumented, how we are going to treat newer workers. We have worked that out.

It seems to me that is the fairer way. We can look to the future with the new merit system, but we ought to be able to meet our commitments, which this

bill does, to those who have been a part of this system and are playing by the rules, and to whom we have made a commitment.

I hope his amendment would not be accepted.

I think the time has about expired, Mr. President.

Mr. ALLARD. Mr. President, on amendment No. 1189, I would ask for the yeas and nays, and yield back my time.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has been yielded. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 31, nays 62, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—31

Alexander	Dole	Nelson (NE)
Allard	Dorgan	Pryor
Bond	Ensign	Roberts
Bunning	Enzi	Rockefeller
Burr	Grassley	Sessions
Byrd	Gregg	Shelby
Coburn	Hutchison	Sununu
Conrad	Inhofe	Thune
Corker	Landrieu	Vitter
Cornyn	McCaskill	
DeMint	McConnell	

NAYS—62

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murkowski
Bayh	Graham	Murray
Bennett	Hagel	Nelson (FL)
Biden	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Inouye	Salazar
Brown	Isakson	Sanders
Cantwell	Kennedy	Schumer
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Clinton	Lautenberg	Stevens
Cochran	Leahy	Tester
Coleman	Levin	Voinovich
Collins	Lincoln	Warner
Craig	Lott	Webb
Crapo	Lugar	Whitehouse
Domenici	Martinez	Wyden
Durbin	Menendez	

NOT VOTING—6

Brownback	Johnson	McCain
Dodd	Lieberman	Obama

The amendment (No. 1189) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1231

The PRESIDING OFFICER. Under the previous order, there will now be 2

minutes of debate, equally divided, on the Durbin amendment.

Mr. DURBIN. Mr. President, this immigration bill will offer an opportunity for hundreds of thousands of people to come to the United States and go to work. But I believe there should be one guiding principle behind this bill: First offer the jobs to Americans. Those who are unemployed, those who are developing the skills should have the first chance to fill these jobs.

Senator GRASSLEY and I have a bipartisan amendment which eliminates the loophole and makes it a requirement, when it comes to guest workers, that the jobs first be offered to Americans to fill. I think that is a reasonable starting point for any debate on immigration.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment would simply delay unnecessarily the hiring of important people, such as registered nurses. We currently have an elaborate system, where the Department of Labor makes a determination that there will not be a loss of American jobs in certain special categories and that it will not depress wages.

This will simply impose a 90-day waiting period. For example, a registered nurse who is needed in a hospital would have to wait 90 days. There would be the expense of advertising.

The purpose of this amendment is already satisfied under existing law to protect American jobs, and the amendment ought to be defeated.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question occurs on agreeing to amendment No. 1231, offered by the Senator from Illinois, Mr. DURBIN. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 71, nays 22, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—71

Akaka	Boxer	Cantwell
Baucus	Brown	Cardin
Bayh	Bunning	Carper
Biden	Burr	Casey
Bingaman	Byrd	Chambliss

Clinton	Kerry	Reid
Coburn	Klobuchar	Rockefeller
Coleman	Kohl	Salazar
Collins	Landrieu	Sanders
Conrad	Lautenberg	Schumer
Corker	Leahy	Sessions
DeMint	Levin	Shelby
Dole	Lincoln	Smith
Dorgan	Lugar	Snowe
Durbin	McCaskill	Stabenow
Ensign	McConnell	Stevens
Feingold	Menendez	Tester
Feinstein	Mikulski	Thune
Grassley	Murkowski	Vitter
Harkin	Murray	Voinovich
Inhofe	Nelson (FL)	Webb
Inouye	Nelson (NE)	Whitehouse
Isakson	Pryor	Wyden
Kennedy	Reed	

NAYS—22

Alexander	Domenici	Lott
Allard	Enzi	Martinez
Bennett	Graham	Roberts
Bond	Gregg	Specter
Cochran	Hagel	Sununu
Cornyn	Hatch	Warner
Craig	Hutchison	
Crapo	Kyl	

NOT VOTING—6

Brownback	Johnson	McCain
Dodd	Lieberman	Obama

The amendment (No. 1231) was agreed to.

Mr. REID. Mr. President, I would like to enter a unanimous consent request, but I will wait until Senator MCCONNELL, the Republican leader, arrives.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I have spoken to a number of my colleagues today—in fact, within the past hour or so. There has been a concern by the minority that there have not been enough votes on this bill.

Keeping that in mind, I am going to propound a unanimous consent request that would allow 20 votes. I will outline it as follows: I ask unanimous consent that at 5:45 today, the Senate vote in relation to Senator KENNEDY's alternative to Senator CORNYN's amendment No. 1184; that immediately upon the conclusion of that vote, the Senate vote in relation to Senator CORNYN's amendment No. 1184.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, Mr. President, I agree in concept with what is being proposed by the majority leader, and that is that we start voting on pending amendments. The amendments mentioned in the unanimous consent request are all amendments that were proposed prior to the recent recess of the Senate. So I am in favor of moving forward and allowing our colleagues votes on the various proposals, many of which have been offered some time back.

I do not agree with the implication that, at that point, we would then be finished with the bill, or that further

amendments would be limited. Many of my colleagues on this side of the aisle have been patiently waiting to get amendments in the queue. Some have waited on the floor for long periods of time only to be told there would be an objection to their amendments being called up.

I propose to the majority leader that we allow the managers to continue to set up votes on pending amendments. I even encourage Senators on this side of the aisle to keep their remarks quite short in order to process additional amendments.

I think it is premature to file cloture on this bill and cut off debate on amendments. If we can continue to let the managers work in good faith on setting votes on the amendments, we will have given this important national issue an opportunity for the kind of fair process that it deserves. Therefore, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Mr. President, I am going to propound another request. Based upon my distinguished colleague's statement, that we have spent a lot of time on this immigration bill—and every minute of it has been deserved. As Senators will recall, the vehicle that was brought to the floor was the bill that passed the Senate Judiciary Committee last year. It was believed that by spending more time on a bipartisan basis a substitute could be reached, and that was done. We now have before the Senate a substitute amendment that has been bipartisan in nature, with 10 Senators, Democrats and Republicans, having worked this out. Mr. President, we have had a number of votes. Keep in mind the substitute amendment that is now before the Senate is a result of a number of things, not the least of which is all the work that went into the bill that did not go forward last year.

We had numerous votes, and the Democrats and Republicans who put together the substitute took all that into consideration when they came up with the substitute. So we don't need the same number of amendments we had last year.

I think we should have amendments, and I am going to propound a request. This does not limit amendments or limit amendments in the future. As we all know, once cloture is invoked, all germane amendments are subject to votes following that cloture vote during the 30 hours. So we have today, Tuesday, Wednesday, and you will see that we would also have Thursday under one of the proposals I am going to offer. But my concern is, when is enough enough? We have a number of considerations here that are so important to our country. I recognize the importance of immigration, and I am going to do everything I can to make sure people feel they have had an alternative to the substitute that was offered. But there has to be a limit as to the amendments Senators offer.

Mr. President, I ask unanimous consent that tomorrow the Senate vote in relation to Senator SESSIONS' amendment No. 1235; further, that the Senate vote in relation to the Feinstein amendment No. 1176; further, that the Senate vote in relation to the Inhofe amendment No. 1151; further, that the Senate vote in relation to the Cornyn amendment No. 1250; further, that the Senate vote in relation to the Menendez amendment No. 1194; further, that the Senate vote in relation to the Clinton amendment No. 1183; further, the Senate vote in relation to the Sessions amendment No. 1234; further, that the Senate vote in relation to the Dodd amendment No. 1199; further, that the Senate vote in relation to the McConnell amendment No. 1170; further, that the Senate vote in relation to the Lieberman amendment No. 1191; further, that alternative Democratic and Republican amendments be in order in relation to each of the above amendments, and that the time for each vote be set with the concurrence of both leaders and both floor managers.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object for the very same reason I just stated a few moments ago, the majority leader indicated that amendments that were germane would be voted on postcloture. Of course, that is only if they are pending. One of the problems we have had is getting an adequate number of amendments pending. The best way to go forward—I remind our colleagues, and certainly my friend the majority leader, that it was I on the day I was chosen Republican leader who said this Congress ought to do big things, and I mentioned two. One was Social Security. It appears to me that we are not getting anywhere on that. The other was immigration. I commend the majority leader for turning to it, but the minority is not going to be shut out.

This is a big, contentious, complex matter. We had well over 20 Republican amendments the last time this issue was before the Senate. The best way to process this bill is not for the majority to try to stuff the majority—that won't happen, I assure you—but, rather, to go through the process in an orderly way. And with this kind of rhetorical back and forth, it continues to waste time that could be used in offering, debating, and voting on the maximum number of amendments, which would allow us to get to the point where we can get cloture on the bill and to final passage. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, the reason here is a little unusual. We have 12 amendments pending. After these are voted on, other amendments will be offered and should be offered. There is no reason to cut off what we have talked about here as being the only amendments.

Mr. President, I ask unanimous consent that if cloture is filed today on

the substitute amendment, it not ripen until 6 p.m. Thursday, June 7.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Reserving the right to object, would the majority leader restate the consent request?

Mr. REID. I am happy to do that. I ask unanimous consent that if cloture is filed today on the substitute amendment, it not ripen—there not be a vote on it—until 6 p.m. Thursday, June 7, rather than Thursday morning. That would give us another day.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, we have tried to set up 20 votes in relation to amendments, including Democratic and Republican alternatives. We also tried to vitiate the need for a needless second cloture vote on the bill itself, if the substitute amendment is ever adopted. Lastly, we tried to delay the cloture vote until Thursday evening so Members would have more time to debate and dispose of amendments.

Each effort, I am sad to report, was objected to by our Republican colleagues. So as far as I am concerned, they are in no position to complain that they did not get votes on amendments prior to cloture. We offered them votes.

First of all, in this part of my presentation, I want to express my appreciation to those who have worked so hard on this bill, and I hope they will continue to work on this bill. I made a suggestion, and here it is. If they can come up with something better, more power to them.

I have devoted a lot of the Senate's time to this measure, not only this year but last year when I was working with Senator Frist. It is an important piece of legislation. The immigration system is broken and needs to be fixed. We have an obligation to the American people to do that. Do I think whatever we come up with will be perfect? No. But we have, with the help of the President, the opportunity to take this matter to the House, have them work on it, and then again with the President's assistance get to conference and come up with something that would be better than what we passed out of the Senate.

I hope my Republican colleagues are not going to use this as an excuse that they have not had enough amendments offered. That really is not fair, and it is wrong. I say again that I appreciate the work of the managers. Senator KENNEDY has worked very hard to work his way through this bill, as have Senators KYL, SESSIONS, CORNYN, and people who may not be in support of the bill but at least have tried to improve it.

Mr. President, there is one thing I didn't ask. My staff informed me that I did not ask this: I ask unanimous consent that if the substitute amendment is agreed to, the bill be read the third time, and the Senate vote, without in-

tervening action or debate, on final passage of S. 1348, as amended.

I have a premonition that there may be an objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, of course, the way to handle this would be to make sure that the germane amendments that are pending get votes postcloture. The majority leader could agree to a consent that it be in order to call up germane filed amendments postcloture, which would be very comforting on this side of the aisle. I understand the position he is in. He would like to move this bill and, I assume, have his Members exposed to the fewest number of votes they don't want to cast. I have a significant number of Members over here who feel very strongly that before they would allow us to wrap up this bill, these amendments need to be considered.

At the risk of being redundant, the best way to do that is for the managers to keep processing amendments as rapidly as possible, to get consent that it be in order to call up germane filed amendments postcloture, which would be comforting to Members on this side of the aisle. Until we decide to operate in that fashion, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, one person I did not compliment—and it is my negligence—is the Senator from Pennsylvania, the ranking member of the Judiciary Committee, former chair of the Judiciary Committee, who has worked very hard on this legislation.

Mr. President, what we have heard are buzz words for this bill is going nowhere. I think that is too bad. As the day progresses, I hope people have a change of heart and that we can work on amendments that can be voted on. Certainly, we don't need my approval for whatever amendments should be voted on.

We are going to file cloture on the bill today. There are a number of exigencies present in the Senate, and we have to move on. The Republican leader has been told by some Senators that more amendments would help. Most of the people who want more amendments have no intention of voting for this bill no matter what we do.

I have made my statement. The Republican leader has made his statement. I hope the managers can figure out a way to move on. Before the close of business today, I am filing cloture.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, at the risk of unnecessarily delaying the discussion, the key to finishing the bill is to have votes on an adequate number of amendments. A number of amendments on this side are being offered by people who may well vote for an immigration bill. I certainly would like to vote for an immigration bill in the Senate. I did vote for such a proposal

last time we went through this process in the previous Congress. I would like to be able to do so again. But we are going to insist on fundamental fairness.

This measure may well be the only significant accomplishment of this Congress. Surveys out in the Washington Post today indicate that there is a declining support for the new Congress, which is a considerable implication that the American people have noticed that we are not doing much in this Congress. Let me repeat, it is not my desire for this Congress to have a record of virtually no accomplishment, and a good significant accomplishment would be to get the right kind of immigration bill out of the Senate. It is still my hope that will be achieved. This is only Tuesday afternoon—just Tuesday afternoon. There is plenty of work time left this week, and I think we ought to get about offering, debating, and voting on the essential amendments to this bill.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, my counterpart, the distinguished Senator from Kentucky, said this is a 2-week bill, and we are in the second week of this bill.

I will also state—and I am not as much of a poll watcher as my caucus would tell me I should be—that the polls also show the Republican Members of Congress are not as well thought of as Democratic Members of Congress.

As far as success, I think we have done pretty well this past 6 months. We now have a bill that has been signed by the President where, for the first time in 10 years, we give a raise to the people who need it worst, the people who rely on the minimum wage. Keep in mind that 60 percent of those who draw a minimum wage are women. For the vast majority of those women, that is the only money they have for themselves and their families.

We have tried for 3 years to get disaster assistance for farmers, and we were able to get that. That is now signed into law. The President has made many trips to the gulf, but in this supplemental bill, which we forced the President to sign, we now have monetary relief for people in the gulf affected by Katrina.

We were able to extend the SCHIP program for children's health care. That is a significant accomplishment. That will take care of things until October. We were also—in the legislation that the President signed, that we forced—able to get more than he gave us in the supplemental appropriations bill. We had more money for the troops in Iraq and Afghanistan—\$4 billion more for medicine and veterans' benefits.

We have been trying for years to get money for homeland security. In this bill, we got it, a billion dollars for homeland security that has long been necessary.

Within the next week or two, we are going to have a conference report that will come forward, sending to the President legislation on stem cell research that will give hope to millions.

I worked, in fact, as late as yesterday with the distinguished Republican leader, and I think we are in a position where we can come up with a satisfactory conference report on ethics and lobbying reform.

So I think we should not be denigrating the work of this Congress and the things we have been able to accomplish, which has been done on a bipartisan basis. We have had to push and pull a little, getting motions to proceed on various pieces of legislation that were necessary, but we were able to do that. So I don't think it is time to denigrate or belittle the Congress based on the polls we have seen.

I repeat, let us not get into poll watching, because if you look at the polls, Democratic Congressmen, Democrats generally, are scored much higher than Republicans. But I repeat, I don't follow polls. I think we should be doing a lot more by what we feel is right to do than what polls show.

I hope the immigration matter can move along. I think the two leaders of the Senate have stated how we feel about this, and now we turn it over to the good hands of our experienced managers.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, we probably shouldn't prolong this any further, because this is keeping us from handling amendments on this bill, which we desperately need to do, but we haven't had a major immigration reform bill in 21 years. So far on this bill we have had nine rollcall votes. By any objective standard that is not nearly enough. Let us proceed to work on the bill, and, hopefully, we can get somewhere during the course of the week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I tried to offer an amendment on May 24, before the week's recess, and I was asked by Senator KENNEDY if I would withhold and he would make every effort to allow me to have a vote on my amendment on Social Security for Z visa holders on the first day back, which is today.

Now, I know there have been intervening circumstances, and I am not saying there is any blame here. However, I am asking that we set a time for the vote on my amendment No. 1302, which has been filed but which I was asked to withhold offering. Now I wish to have a time certain, if possible, where we can have a vote on that amendment.

I have to say I have now seen this body operate. What happens on a bill such as this, that is very complicated and long, and especially when you are writing the bill on the floor rather

than taking it through the committee process, there are a lot of amendments which are legitimate amendments, yet the distinguished majority leader said he was going to file cloture on the bill tonight. That would ripen on Thursday.

I have three amendments. One is on Social Security protection for America, from any person who works illegally to get credit on Social Security when they are working illegally; another one on the future flow of Y visa holders; and then I have an amendment for people to return home before they come back and become legal guest workers in our country. So those are three amendments I am giving everyone notice I believe are very important, they are productive, they are positive, and they are an effort to make this a bill that Americans will see is the right approach to handling the chaos we have with illegal immigration in our country. I don't want to be squeezed out by cloture or by time deadlines.

If we take 4 weeks on this bill and it becomes a better bill that all of us can support, those who wish to have comprehensive reform, 4 weeks, with the effect this is going to have in the next 25 years for our country, that is nothing. So I hope I will be able to offer my three amendments and get votes on them at some point.

I want to be able to protect my rights, and I want to ask if I could have a time certain to vote on the first Social Security amendment, No. 1302, if that would be possible.

Mr. REID. Mr. President, one of the things I think the managers should do is see if they can get a list of amendments, germane amendments, the minority wants. We have a few on our side. It is at least worth a try to see if we can come up with a list of germane amendments. I ask Senator KENNEDY and Senator SPECTER to see if they can come up with a list of germane amendments that Members think they want to vote on. We already have, as I said, 12 or so pending, and we will take a look at that. I am not even sure the 12 pending are germane. We don't know that either.

Anyway, they can see if they can come up with a list of germane amendments, whether that is three, four, five, whatever it is, and we will take a look at that.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am delighted to deal with the amendment of the Senator from Texas. We have to figure out the order. This is the side of the Republicans now. Senator CORNYN has been waiting, and waiting patiently. The Senator from Texas did mention this. We had contacted the Finance Committee, since it is dealing with Social Security, to see whether they would be able to go, and I hope they will do that and dispose of it very rapidly. The other measures are not in the Finance Committee and we would be glad to deal with those. But dealing

with Social Security is the Finance Committee's jurisdiction, and they had some views on that.

I hope we might be able to do the Cornyn amendment. The leader had asked me if we could do the DeMint amendment after the Cornyn amendment. There may be one on our side dealing with health insurance which we would be prepared to do. It is fine with me. I am here and I am ready to go with these amendments, so I will make every effort to get the Finance Committee, and I will stay here with the Senator from Texas until we are able to get this disposed of this evening. I will give you that, as far as I am concerned.

Mrs. HUTCHISON. Let me say I am happy for the Finance Committee looking at it. I wish this whole bill had gone through committee so we would know exactly where we stand. If they are for it, great. If they are against it, let us debate it. But let me ask if I could have at least a unanimous consent to bring up the amendments that are filed, No. 1301 and 1302—those are the two Social Security amendments—and then lay them aside, so that at least they are here and I know they will be disposed of.

Mr. KENNEDY. Absolutely.

Mrs. HUTCHISON. My third one, the one that requires the return home, has not been offered yet but it will be germane. We are still trying to work with Senator KENNEDY, Senator KYL, and all the Senators who are involved in this process to try to get a consensus on that return home amendment. So it has not been filed.

If I could ask unanimous consent to bring up amendments Nos. 1301 and 1302, after which I would be happy to set them aside, to make them pending before cloture.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I have given assurance to the Senator from Texas, but I wish to see if we can have a short time. She will retain the right to make that request, but let us see if we can't work out the time now with the Finance Committee. Could we try that before getting consent? Because there has been some question about others who wanted to add a number of amendments on both sides, and we are trying to at least dispose of some of those that are on the list. I will give the assurance that this legislation, at least if I have anything to do with it, is not going to pass or be considered or closed out to the Senator from Texas, because, as she has pointed out, she raised these and we gave assurance she would get them. We were prepared on that Thursday evening, as we were running out of time to do the supplemental and to get the Finance Committee over.

The Senator mentioned, before the majority leader left, that she wanted to offer that, and I regret I had not gotten the Finance Committee members over here. They were marking up I

think the CHIP program earlier in the day. That is my only reservation about setting aside now, because there has been objection on both sides to adding more until we start to dispose of some of the underlying amendments.

I will certainly try to get the clearance and work with the Senator and do it within the next few hours, if the Senator would withhold that and give us an opportunity to try to work through that. The Senator is quite correct that we have given her those assurances, and I intend to keep my word to the Senator.

Mrs. HUTCHISON. I thank the Senator.

Mr. President, I will attempt to work with the Senator from Massachusetts.

The PRESIDING OFFICER. Is the request withdrawn?

Mrs. HUTCHISON. I will withdraw the request, yes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have been asked, on behalf of the Senator from South Carolina, Mr. DEMINT, to seek unanimous consent to move to have a time for amendment No. 1197.

Mr. CORNYN. Mr. President, reserving the right to object—

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, I ask unanimous consent for the DeMint amendment, No. 1197, to be pending.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, let me point out, if I may, that amendment No. 1184, which I filed and called up 13 days ago, has yet to receive a vote on this immigration bill. This amendment would ban felons on the legalization path set forth in the underlying bill. It astounds me this could be in the least bit controversial, but I have been denied an opportunity for an up-or-down vote on that for the last 13 days.

Now that I hear the majority leader intends to file cloture, it is clear what the pattern is, and that is to try to move this bill through without an opportunity for Senators to be given the chance to introduce, call up, debate, and then vote on important amendments. So I will object.

I likewise object to the scheduling of any other votes on the bill until I am given an opportunity to have an up-or-down vote on amendment No. 1184. I add that I have offered to my colleagues the possibility we could enter into some sort of time agreement to debate and to vote on the amendment. I am told there is a side-by-side amendment that is being considered. I was told it would be made available to me at 4 o'clock this afternoon. It would have been the second side-by-side amendment that had been proposed. I have yet to see it.

I have tried to be patient, and indeed I have been patient. I have tried to work with my colleagues to let the process move forward, but it is clear to

me now, since the majority leader says he intends to file cloture, there is not going to be an opportunity to fully debate and offer amendments to this bill; that the majority leader intends to try to force this bill through, denying Senators an opportunity to have a chance to offer amendments, to have those amendments debated, and have those amendments voted on.

I must employ whatever tools the Senate rules give me to insist upon my rights. I will do that by objecting to this and the schedule of any further votes until such time as we are able to enter into some sort of agreement for the disposition of amendment No. 1184.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I understand the point of the Senator from Texas, and I agree with him. He has been very patient. Some of the rest of us have been patient, too. We are waiting for that side-by-side so we can proceed.

The purpose in the unanimous consent request was not to have a vote on DeMint but just to have it pending so that it would be in line for a vote postcloture since it is germane, so I renew my request.

Mr. KENNEDY. Mr. President, reserving the right, I just mentioned to the Senator from Texas that there has been an objection. I would like to go to the Cornyn amendment—we have the side-by-side—get started, debate it, and vote on it tonight. That is what I would like to do. If necessary, we will do something over here in the meantime, come back, and deal with the Senator from Texas. We are ready to go. We have a side-by-side. We can get into general descriptions about that, but why don't we get started on the Cornyn amendment.

I was asked earlier whether we would agree to debate and dispose of the DeMint amendment, and we said fine. But if we are now going to add more and more amendments on this—I agree with those who say let's get to work. Let's do the Cornyn amendment at this time. Respectfully, as I said, we were ready to deal with the DeMint amendment 10 minutes ago. Even now, if we want to debate it and vote on it and dispose of it, we are ready to go. But that isn't it, it is now to just be filed. How can we do that if we object to the Senator from Texas filing?

Why don't we go to the Cornyn amendment, I ask Senator SPECTER. We will be helpful and try to get the amendment of Senator DEMINT up. We are not trying to close him out. We can deal with that later this evening. I am glad to do that later this evening. We are set to go. It deals with health insurance. I am familiar with the issue. I am ready to go on it. We can deal with Cornyn. In the meantime, we can go to the Finance Committee and find out what we want to do with the amendment of the Senator from Texas, and then the leader asked us to try to dispose of DeMint. We were prepared to go

ahead with the Sessions amendment that deals with the ITC that the Senator from Alabama wanted earlier.

It is not our problem with this. We are ready to go. We are ready to debate and vote. I hope we can go ahead with the Cornyn amendment and the Senator will give us a little time to get this worked out about whether we are going to add and stack additional amendments up. I haven't got anything against the DeMint amendment. I saw it. I think it is a legitimate amendment.

Could we ask consent that we go to the Cornyn amendment?

Mr. SPECTER. Mr. President, although it was a long time ago, I believe I have the floor?

The PRESIDING OFFICER. The Senator does have the floor.

Mr. SPECTER. I am glad to reassert that, I didn't want to say "regular order" and interrupt the Senator from Massachusetts.

I understand there may be an objection. I want to protect Senator DEMINT's rights and ask unanimous consent that his amendment be pending.

The PRESIDING OFFICER. Is there objection? The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, reserving the right to object, without unnecessarily repeating myself, I have been waiting 13 days for a vote on my amendment. I am afraid if I consent to this unanimous consent request, it is going to continue the pattern of avoiding my amendment, which would ban felons from getting Z visas under this underlying bill. I think that is something with which the American people, and hopefully the vast majority of the Senate, would agree. This amendment is well taken. It is a good thing. Let's not allow people—those who have had a chance, who defied the law, who thumbed their nose at our courts—to gain the advantages we are otherwise going to confer on people under the Z visa.

I will object. As I indicated, I am willing to offer an alternative unanimous consent request that once I am shown the side-by-side amendment that I am told the majority has in mind, that they would like to offer as an alternative to my amendment No. 1184, I will be willing to enter into a time agreement with 2 hours equally divided to debate and then to vote on my amendment tomorrow. I will not enter into a unanimous consent agreement to debate an amendment side-by-side which I have not seen and which has been 13 days in the making. I think my request is a reasonable one. I am trying to work with my colleagues here but, frankly, I do not feel as if it has been a two-way street. That is my unanimous consent request.

The PRESIDING OFFICER. The objection was heard.

Mr. KENNEDY. Could the Chair restate? Is it the request of the Senator that we consider the Cornyn amend-

ment? We are making available now the side-by-side. It is basically similar to the other one but in greater detail. Is it the request of the Senator that we go to his amendment now, we have a 2-hour debate on it, and that we vote on the side-by-side? Is that the Senator's request?

Mr. CORNYN. Mr. President, the Senator is correct with the exception that I agree we can have the vote tomorrow. If there is no objection to my unanimous consent, I am glad to accommodate Senator DEMINT or other Senators to allow them in the interim to call up other amendments. I would like to have a time locked in for a vote on my amendment—which would then have been pending for a full 2 weeks without a vote—tomorrow morning. I would like to see what the amendment looks like before we leave today.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, if I understand the request of the Senator, he wants to be able to have 2 hours on the Cornyn amendment to be voted on tomorrow morning. Hopefully we can debate this this evening. I am more than glad to make the side-by-side available. I certainly support the request.

If we can have it more precise, is it just sometime in the morning? Are we going to debate this this evening? I would like to try to get it so at least the leadership and Members know. This is a very important amendment. We want to make sure they are aware—what is the desire of the Senator? That we debate it this evening and we let the leaders set the time for the vote tomorrow but we spend at least 2 hours on the Cornyn amendment and the side-by-side and at some time designated by the leadership we vote on it tomorrow morning at an appropriate time?

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think, in response to the inquiry, I would like to see the amendment before I begin the debate. What I propose is to see the amendment tonight and be prepared when we come into session tomorrow morning to begin that debate. The chances are we will be able to yield some time back, but I am proposing 2 hours, evenly divided, and then to schedule the vote sometime before noon tomorrow morning at a time agreed upon by the bill managers and the leadership.

Mr. KENNEDY. Mr. President, we are making that available. I strongly support it and urge it, as I understand the Senator isn't proposing that exactly at this moment but intends to do so, pending the examination of the amendment. I certainly support that process. We will wait. It is not being pro- pounded at this particular time, as I understand it, until he has a chance to look at it, but that would be the intention about the way to proceed. We will make available to him the side-by-side

and then hopefully have an opportunity to propose the consent agreement sometime in the very near future. We then would maybe proceed to consider the DeMint amendment, and we will in the meantime get ahold of the Finance Committee to deal with the Senator from Texas, to check with our side to see whether we have an intervening amendment. That is what I would hope. But I hope very much we are going to continue to do the business of the Senate this evening.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think we are making some progress. I accept the invitation of the Senator from Massachusetts. Let's talk and write this up. Then we can make sure we are all on the same page. The fundamental agreement would be a 2-hour time agreement to debate this tomorrow morning, with a vote no later than noon tomorrow at a time mutually agreed upon by the leadership and the bill managers. I think we can come to some agreement on that basis.

With that, based on that understanding, then, I will be glad to remove my objection. I withdraw my objection to proceeding with the DeMint amendment, and I withdraw my consent request for the time being.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I see the Senator on the floor. I was going to try to see if we could not get Senator DEMINT over to do that in a timely way. It is on health insurance. We will do it in a timely way. In the meantime, we are working with the Finance Committee to try to be able to deal with the Senator from Texas. I would like to try to do that. I was going to suggest the absence of a quorum. I will not do so.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 1174

Mr. THUNE. Mr. President, I also have a germane amendment that I have been trying for some time to get called up and get pending. I ask unanimous consent that amendment No. 1174 be made pending. I am happy to set that aside or discuss it now. I would like at least to get it in the queue so at some point it could be voted upon.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, we have the Hutchison amendment. I have no intention to try to exclude the Senator. We are making a note at this particular time—we have been trying to cooperate. We have been trying to get an amendment up for the last hour or so. But there were others on our side who wanted to offer theirs, and at least our leaders wanted us to try to dispose of the underlying ones before we add one. I will reluctantly object to it, but I give personal assurances we will do everything we can to get it up in a timely way, but at this time I have to object to that consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. KENNEDY. Mr. President, I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, the amendment I just tried to call up, amendment No. 1174, was objected to, and I hope at some point we can get agreement to allow it to be put into the pending status that will allow it to be voted on at some point. But since we are on the bill, I would like to speak to the amendment.

Amendment No. 1174 is a very straightforward and simple amendment. What it does is it removes a loophole in the underlying bill that allows noncriminal illegal immigrants to obtain immediate legal status before any of the border security measures set out in this bill are deployed and inserts language that prohibits probationary benefits from being issued to an illegal immigrant before the effective date triggers are implemented.

Despite what the proponents of the bill are saying, the immigration proposal before the Senate would give illegal immigrants immediate legal status upon enactment by providing legal immigrants with the opportunity to apply for a probationary Z visa or, as it is labeled in the bill, a "Probationary Authorization Document." Illegal immigrants can obtain immediate legal status because of a huge exception set out in the very first sentence of this very large bill. This exception makes the trigger requirements of beefed-up border security and internal security irrelevant, in my view. It is an exception that I believe swallows up the rule.

This exception completely undermines what is supposed to be a key principle of the bill, and that is that no legalization of the illegal immigrant population in this country can occur until the border security and workplace enforcement provisions in the bill are certified as funded, in place, and in operation.

My amendment simply does away with this section by striking it from the underlying bill and inserting language that prevents any probationary benefit from being issued before the "effective date triggers" are implemented.

Not only does this bill provide for immediate legal status for illegal immigrants before any of the border security measures in the bill are deployed, it also provides that illegal immigrants will be able to maintain legal status in this country even if the border security measures in this bill are never deployed.

The very first sentence of the bill says the probationary benefits con-

ferred by section 601(h) are exempt from the trigger requirements of 20,000 Border Patrol officers and 670 miles of vehicle barriers and fencing and other enforcement measures.

Section 601(h) says an illegal immigrant who files an application for a Z visa shall be granted probationary benefits in the form of employment authorization. The provision also says the illegal immigrant may not be detained, nor an unauthorized immigrant.

Once an illegal immigrant applies for the Z visa; provides evidence that they were in the country and employed before January 1, 2007; pays up to \$1,500 in processing fees and a \$500 State impact assistance fee, as well as a \$1,000 penalty, that individual will receive a probationary authorization document if he or she passes all appropriate background checks or the end of the next business day, whichever is sooner. That means the illegal immigrant will legally be in this country before any certification that 20,000 Border Patrol officers have been hired and 670 miles of vehicle barriers and fence have been constructed.

Interestingly, illegal immigrants would not even have to pay the entire initial \$1,000 penalty set out under this bill. They would have to immediately pay the \$1,500 for a processing fee and a \$500 State impact assistance fee, but these are merely fees, not penalties.

Another principle of this legislation is supposed to be that illegal immigrants are justly punished for breaking the law before obtaining legal status. The bill, in section 608, allows illegal immigrants to put 80 percent of the penalty on an installment plan, meaning that an illegal immigrant would only have to pay \$200 initially in penalties when they apply for a probationary Z visa.

So an illegal immigrant could pay a paltry \$200 penalty when they apply for a probationary Z visa and have immediate legal status conferred upon them by the next business day if nothing turns up in a background check. This does not amount to an adequate consequence for breaking our laws, nor does it put illegal immigrants at the back of the line. To make matters worse, no additional fence or other border security measures have to be deployed before this happens.

Mr. President, what makes matters even worse is that even if the triggers are never met, the probationary legal status never expires. As the bill states clearly on page 291, line 17, all of these things: The immediate legalization, the trigger mechanism being made pointless, and the never-ending probationary legal status occur because of this loophole in the very first sentence of the bill.

I would simply argue that loophole needs to be closed, and that is what my amendment would do. Those who have broken our laws to come here will be given immediate legal status, even before additional security fences are con-

structed or desperately needed Border Patrol officers are hired. This does not sit well with most of the people I represent in South Dakota from whom I am hearing every day on this issue. They are not happy with this bill as written.

My amendment represents an effort to ensure that the trigger requirements in the bill are met before any legalization occurs by eliminating the exception for "probationary benefits" and ensuring that no probationary benefit for illegal immigrants can be issued until the trigger mechanisms in this bill are implemented.

Mr. President, we are a nation of immigrants. We are a nation of laws. We should be rewarding those people who have followed our laws, who have played by the rules, and not putting those who have entered the country illegally in front of them. Before any effort is made to deal with the 12 million illegal immigrants in the country, we first must secure the border.

Despite claims to the contrary, the bill in its current form would give illegal immigrants immediate legal status before any further border security measure is deployed. My amendment would fix this flaw in the bill. I would hope, Mr. President—I would also add that Senator GRASSLEY from Iowa is a cosponsor of this amendment.

I hope we will have an opportunity at some point to debate this, to vote on it, because I think this is a fundamental flaw in the bill that needs to be corrected. It is a loophole which I think completely undermines the whole intention of this bill; that is, to make sure that certain conditions are met before the legalization process is allowed to move forward. This, as I said, is a very straightforward, simple amendment, one that I think is very understandable to people across this country. Certainly I think it makes sense to people I represent in the State of South Dakota.

I hope at some point those who are managing this bill will allow this amendment to be called up, to be made pending, and ultimately to be voted on.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 1197 TO AMENDMENT NO. 1150

Mr. DEMINT. Mr. President, I call up amendment No. 1197.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1197 to amendment No. 1150.

Mr. DEMINT. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require health care coverage for holders of Z nonimmigrant visas)

At the end of subsection (e) of section 601, add the following:

(9) HEALTH COVERAGE.—The alien shall establish that the alien will maintain a minimum level of health coverage through a qualified health care plan (within the meaning of section 223(c) of the Internal Revenue Code of 1986).

Mr. DEMINT. Mr. President, I rise today to highlight one of the most important domestic issues this country is facing, and that is rising health care costs. I think it is also important to point out that nearly 10 million non-citizens are uninsured according to the September 2006 U.S. Census report on the uninsured.

Since no hospital can legally deny a person health care because of their immigration status or inability to pay, my amendment would help prevent that cost from being shifted to the American taxpayers in the form of uncompensated care. Since about three-fourths of all uncompensated care costs are paid by taxpayers in the form of national and State programs, it is imperative the Senate pass my amendment that would require Z visa holders to maintain a minimum level of private health coverage.

Under this amendment, minimum health coverage would be defined as a high-deductible health care plan. It is my firm belief these visa holders should take some responsibility for their own health care and avoid burdening American taxpayers when they have medical problems.

By requiring Z visa holders to have a minimum level of private health insurance, it will help keep individuals off public assistance and out of the emergency rooms. According to the Economic Research Initiative of the Uninsured, immigrants as a group are nearly three times more likely to be uninsured than native-born U.S. citizens.

I am almost certain some of my colleagues will say it is not possible for these visa holders to afford a private health insurance plan. In fact, there are plenty of high-deductible policies available on the individual market that are affordable, with an average cost of about \$116 a month. Furthermore, these plans have seen only a 2.8-percent increase on an annual basis compared to 8 percent for all other types of health plans. This low rate of increase is another reason high-deductible health plans are affordable to those with lower incomes.

It is also important to point out that by having their own high-deductible health plans, visa holders will be able to keep their policy regardless of their employer. Many employers who want less expensive labor will likely help their employees pay for these high-deductible policies.

Mr. President, it is also important to point out that there is a precedent for this type of action. In 1993, the Department of State issued regulations requiring students entering the United States under exchange visas to have

health coverage. This amendment would only extend this policy to Z visa holders.

What is most troubling to me is that this legislation before us does almost nothing to stem the rising costs of uncompensated care. If we do not pass my amendment, the growing cost of uncompensated care currently at \$41 billion per year will only be exacerbated.

Supporters of this bill will point to the State Impact Assistant Grant Program that is established in the legislation. This grant program would be funded through fees paid by the immigrant, and it would be administered by the Federal Government to repay States for health and education expenses.

However, even the bill language suggests, through a sense of the Congress, that this will not be enough to solve the problem of illegal immigrants using our health care services at a cost to the American taxpayer.

Our country is spending \$2 trillion per year on health care. While my amendment does not address the entire problem, it does address the problem of noncitizens using our resources at a cost to the American taxpayer. In my opinion, there are many problems with this legislation. But I believe this amendment will at least improve upon this extremely flawed bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if I can have the attention of the Senator from South Carolina.

His amendment will maintain a minimum level of health coverage through a qualified health plan in the meaning of 223(C) of the Internal Revenue Code. Is that right?

Mr. DEMINT. Right.

Mr. KENNEDY. That is the health savings accounts?

Mr. DEMINT. Generally, high-deductible plans are accompanied by the health savings account.

Mr. KENNEDY. So if they had other kinds of health coverage at all, they still would not be—unless they have this particular coverage, the high deductible, they would not be able to make—adjust their status.

Mr. DEMINT. This is the minimum level as established by the high-deductible policies. Certainly, more comprehensive plans would fit in the context of the amendment.

Mr. KENNEDY. Is the Senator aware now that the undocumented or aliens are not eligible for any of the Medicaid proposals at the present time?

Mr. DEMINT. For the first 5 years, that is correct. But that does not mean they cannot access any of our health clinics, emergency room services, and a lot of uncompensated care can be directed at the current group of illegal immigrants in our country.

Mr. KENNEDY. Why did the Senator select just this particular health coverage rather than being able to participate in HMOs or other kinds of programs?

Mr. DEMINT. Well, we are establishing a minimum level, which the minimum would be the high-deductible policies, often accompanied by health savings accounts. This does not prevent an immigrant from having a more comprehensive plan, an HMO. But the point of the amendment is not to mandate a comprehensive plan but to establish a minimum level of coverage, which is more affordable particularly to low-waged workers.

Mr. KENNEDY. What is the estimate that the Senator has for this coverage? What is the estimate that they would have to pay out for this coverage?

Mr. DEMINT. The average of high-deductible plans is \$116 a month. I will just say as an aside, I just bought a high-deductible plan for my 22-year-old daughter at \$65 a month. This, obviously, leaves some to be paid by the workers themselves. But it avoids the high-risk cost of a worker who may have complicated, very expensive problems, for that whole bill to land on a hospital, which often happens.

Mr. KENNEDY. If there are pre-existing conditions—how does this amendment affect preexisting conditions?

Mr. DEMINT. Well, we do not specify. It may be something we want to cover in an additional amendment. But many States, as you know, now have high-risk pools which are available to all workers in the State regardless of immigration status.

This certainly may not cover every possible problem. But if we are going to issue Z visas, I think the point is that they become an asset to our economic environment in this country, and certainly if they are uninsurable that may suggest that they are not a viable worker as well.

Mr. KENNEDY. Well, we have 47 million Americans who don't have coverage at the present time. But you want to insist that anyone, these undocumented are going to be mandated individual coverage in order to be able to adjust their status?

Mr. DEMINT. Obviously, the uninsured are a problem, and many of us are working on ways to solve that. It is one thing to ask American taxpayers to help take care of their fellow citizens. It is another thing to ask Americans to help assist those from all over the world. Certainly, our hearts go out to anyone with health problems, but we cannot ask the American taxpayer to subsidize low-wage workers for employers who are using them in this country.

Mr. KENNEDY. Of course, CBO studies which have been released in the last few days show that immigrant workers contribute much more in terms of taxes than they use in terms of services by about \$24 billion over the estimate of the length of this plan.

Mr. DEMINT. There is obviously a lot of research that refutes that. The Heritage Foundation has come out with quite an extensive study that suggests the low-wage workers, undereducated

immigrants in this country today, cost an average of \$19,000 a year more in taxes than they pay. This group, as a whole, over the next three decades will cost \$2.4 trillion to the American taxpayer. So there is a lot of research that suggests that undereducated, low-skilled workers are going to be a net loss to the American taxpayer.

Mr. KENNEDY. I have heard studies quoted. Generally, around here we use Congressional Budget Office figures for actions in the State. They reach a rather dramatically different conclusion than the studies the Senator has mentioned.

Mr. DEMINT. Certainly, the Senator will agree it should not be the obligation of the American taxpayer to subsidize low-wage workers for employers. Frankly, I believe if we ask these immigrants to pay their fair share, employers are more likely to hire American workers in the first place rather than lower wage workers who are actually being subsidized by the taxpayer. This health plan is one idea to ask these immigrants and their employers to carry the fair load and not to dump the cost of health care on other workers in this country.

Mr. KENNEDY. Of course, the workers themselves have to contribute \$550 as part of their cost anyway, their contribution to the State. In terms of consideration of covering any of the costs, that was sort of put into the legislation itself, in terms of the additional fees and additional fines as well, that addition to help offset any of the expenses that would be carried in the State itself.

Mr. DEMINT. I think the Senator obviously knows—and the bill language suggests—this is a small token of what the real costs are, not only for health care but education, daycare, and other services that are often used by these immigrants. Again, to ask these immigrants or their employers if they would like to assist in paying \$100 or a little more a month to keep them from becoming a burden to the taxpayers is a small thing to ask for someone who is taking advantage of the opportunities in this country.

Mr. KENNEDY. It is important to get health care and health care coverage for all who do not have it. The real issue is the best way to pursue that. That is something we have to take a look at.

I see the Senator from West Virginia is here and wishes to address the Senate on an important matter about our friend and colleague from Wyoming.

I yield the floor and thank the Senator.

Mr. DEMINT. I thank the Senator.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1267, AS MODIFIED, TO  
AMENDMENT NO. 1150

Mr. BINGAMAN. Mr. President, I call up amendment No. 1267 and note that I have a modification of that amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment, as modified.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. OBAMA, proposes an amendment numbered 1267, as modified, to amendment No. 1150.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

Section 218A(i) of the Immigration and Nationality Act, as added by section 402, is amended to read as follows:

“(i) PERIOD OF AUTHORIZED ADMISSION.—

“(1) IN GENERAL.—Aliens admitted to the United States as Y nonimmigrants shall be granted the following periods of admission:

“(A) Y-1 NONIMMIGRANTS.—An alien granted admission as a Y-1 nonimmigrant shall be granted an authorized period of admission of 2 years. Such 2-year period of admission may be extended for 2 additional 2-year periods.

“(B) Y-2 NONIMMIGRANTS.—Aliens granted admission as Y-2 nonimmigrants shall be granted an authorized period of admission of 10 months.

“(2) Y-1 NONIMMIGRANTS WITH Y-3 DEPENDENTS.—A Y-1 nonimmigrant who has accompanying or following-to-join derivative family members in Y-3 nonimmigrant status shall be limited to two 2-year periods of admission. If the family members accompany the Y-1 nonimmigrant during the alien's first period of admission the family members may not accompany or join the Y-1 nonimmigrant during the alien's second period of admission. If the Y-1 nonimmigrant's family members accompany or follow to join the Y-1 nonimmigrant during the alien's second period of admission, but not his first period of admission, then the Y-1 nonimmigrant shall not be granted any additional periods of admission in Y nonimmigrant status. The period of authorized admission of a Y-3 nonimmigrant shall expire on the same date as the period of authorized admission of the principal Y-1 nonimmigrant worker.

“(3) SUPPLEMENTARY PERIODS.—Each period of authorized admission described in paragraph (1) shall be supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the worksite and, except where such period of authorized admission has been terminated under subsection (j), a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed the maximum applicable period of admission under paragraph (1).

“(4) LIMITATION ON ADMISSION.—

“(A) Y-2 NONIMMIGRANTS.—An alien who has been admitted to the United States in Y-2 nonimmigrant status may not, after expi-

ration of the alien's period of authorized admission, be readmitted to the United States as a Y-2 nonimmigrant after expiration of the alien's period of authorized admission, regardless of whether the alien was employed or present in the United States for all or only a part of such period, unless the alien has resided and been physically present outside the United States for the immediately preceding 2 months.

“(B) READMISSION WITH NEW EMPLOYMENT.—Nothing in this paragraph shall be construed to prevent a Y nonimmigrant, whose period of authorized admission has not yet expired or been terminated under subsection (j), and who leaves the United States in a timely fashion after completion of the employment described in the petition of the Y nonimmigrant's most recent employer, from re-entering the United States as a Y nonimmigrant to work for a new employer, if the alien and the new employer have complied with all applicable requirements of this section and section 218B.

“(5) INTERNATIONAL COMMUTERS.—An alien who maintains actual residence and a place of abode outside the United States and commutes, on days the alien is working, into the United States to work as a Y-1 nonimmigrant, shall be granted an authorized period of admission of 3 years. The limitations described in paragraph (3) shall not apply to commuters described in this paragraph.”

Mr. BINGAMAN. Mr. President, I wish to briefly describe what this amendment does. I understand there is not a plan to have a vote on this amendment this evening, but I wish to explain briefly what this amendment does.

There are three programs in the underlying bill that are related to so-called temporary workers. One of them is the new guest worker program. That is the program we amended the provision of 2 weeks ago when we reduced the number of people eligible to come into the country under that program each year from a number of 400,000 to 600,000 down to 200,000.

This current amendment, amendment No. 1267, I have called up again deals with that same guest worker program. It tries to make the program more workable. The underlying bill says if a person comes into this country under that program, that person is eligible to get a visa for 2 years to work here, then is required to leave for 1 year, then is eligible to come back again for another 2 years, then is required to leave for another year, then is eligible to come back again for another 2 years, and then is required to leave permanently. So it is what I have come to refer to as the 2-1-2-1-2 structure of this guest worker program.

Frankly, it does not make a lot of sense. It does not make a lot of sense from the point of view of employers or employees—guest worker employees—or American workers who might also want to apply for those jobs or similar jobs.

Let me explain what I have in mind.

As regards an employer, if someone came into my office in the Senate and said: I have a great proposal for you. I would like to work for you for 2 years and then I am going to take off for a year, and then I will come back again

and want my job back for another 2 years, and then I am going to take off for another year, and then I am going to come back and want my job back for another 2 years, I would not hire such a person. It would not make any sense. You need continuity in your workforce. You do not want people coming and leaving for substantial periods of time. So from an employer's perspective, this makes absolutely no sense.

From the employee's perspective, if you are one of the guest workers, what are you supposed to do during the year you are not permitted to stay in this country? You are supposed to go back to your home country. Why would we believe that person would be able to support themselves and their family during that year when they are not working here? They have to find a job there. When they leave there, obviously, that employer's employment situation is disrupted. So that does not make sense from the point of view of those guest workers.

It does not make sense from the point of view of American workers who might want these jobs. These are generally thought of as construction jobs. These are not agricultural jobs we are talking about, and they are not seasonal jobs. They are permanent jobs. It is just that by the provisions of this bill, we are suggesting let's take a permanent job and try to make it temporary by kicking people out of the country every 2 years. So that is the only thing temporary about these jobs.

This does not make sense from the point of view of American workers either. American workers who want to work in these construction positions will find there is a constant flow of entry-level workers coming back into this country every year saying: OK, I know I was here before. Now I am back again. I am starting at the bottom of the ladder again. Pay me the entry-level wage, and I will take any job you have.

So the upward pressure on wages in that construction industry is eliminated. There is no upward pressure. You have this very large group of entry-level workers coming back every year. This does not make good sense.

My amendment simply says, let's do what we did last year. We passed a bill last year. We had good bipartisan support for it. Basically, the bill, last year, said: Let's do one 3-year visa, and let it be renewed for a year. What I am proposing in my amendment is, let's do a 2-year visa. Let it be renewed twice. Then the 6 years is up.

So we are not changing a lot of other aspects of the bill. I know there are some in this Senate who think we should change other aspects. In fact, I think we should as well. But I am not trying to do that in this amendment. I am saying let's at least eliminate this 1-year hiatus that is built in between each of these 2-year visas we are providing for in this guest worker program.

To me, this is eminently sensible. It is something we ought to do. Governor

Napolitano wrote an op-ed piece in the New York Times on June 1 of this year, and she said the following:

The proposed notion that temporary workers stay here for two years, return home for a year, then repeat that strange cycle two more times makes no sense. No employer can afford this schedule—hiring and training, only to have a worker who soon will leave. It will only encourage employers and workers to find new ways to break the rules.

What we are doing is setting up a system that will encourage workers to overstay their visas. Much of the illegal immigration problem we have in this country today is not because people have sneaked across the border—although there are many of those—it is because people have come here legally and overstayed their visas, and they are now illegally living in this country.

If you ever wanted to have a system that would generate more people coming here and illegally overstaying their visas, we have designed it in this bill. So my amendment tries to correct that to some extent. It says once they come here and go to work, they are given a 2-year visa. They can renew that two times and work the full 6 years. So it maintains the 6-year limit that the sponsors, the architects of this legislation, have intended, but it makes a lot more sense in the way it works.

Let me mention one other aspect which I think is crucial; that is, we need a system that is workable. We do not have the capacity today—we, the Federal Government—to keep track of people who leave the country. We can keep track of the ones who come in, but if you ask the Immigration Service how many of those who come in are still here, they do not know. We do not have the capacity today to track the people who leave.

So we are setting up a system where we have 200,000 a year coming in. Two years later that 200,000 is supposed to leave. The next year 200,000 more people come. Two years later that group is supposed to leave. We have no way of implementing this system and ensuring it is being complied with. So the whole thing is assuming a capacity and a capability that the Federal Government does not have today.

It would be much simplified if we were to adopt the amendment I have offered. I hope my colleagues will support the amendment. It would improve this bill significantly.

Mr. President, 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. KENNEDY. 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. KENNEDY. Mr. President, to give some information to the Members, as I understand, Senator HUTCHISON and the members of the Finance Committee are meeting. As a point of infor-

mation, the Senator from Texas, Mrs. HUTCHISON, and staff are meeting with the Finance Committee staff to consider those particular proposals. We have given the assurance to her that the Senate will address those issues at some time, but since it was just dealing with Social Security, although there are provisions in here that deal with Social Security, it is entirely appropriate that we ought to have the Finance Committee work on that.

The Senator from New Mexico has offered an alternative on the temporary worker program that is a serious amendment, and we could, if we are—we will have to find out what the pathway is between voting on one side and voting on the other, to be able to consider that, but that is an important alternative to what is the underlying legislation. I know there is going to be some response to that from Members very shortly.

On the amendment of Senator DEMINT, he had indicated he was going to come to the floor to offer it. We were hopeful we might be able to consider that and have a vote on that later on as well.

At the present time, we are trying to work to see if we cannot find a situation where we can get two votes, one from the Democratic side and one from the Republican side, on measures that have been included on that list that have been talked about earlier, and the Members of the staffs on the Republican and Democratic side are working to see if we can't refine the list of different amendments to see what might be acceptable and then what might be germane and see if we can't refine this list. So that, I know for people outside the Senate, doesn't sound like much of an explanation about what is going on, but it is important and often produces additional motions here in the Senate. So we will have more information on this.

A very brief word on the DeMint amendment. His amendment requires a high deductible health insurance for each undocumented; otherwise, they would not be able to proceed with their earned legalization program which includes payments of the fines, demonstration of the work product, the investigations that show they have not had challenges in terms of the law, and the series of requirements that are out there. He would add to this the additional expenditures which would be necessary for coverage with a high deductible health insurance.

There are several points to mention here. First of all, in the underlying legislation, we have included a payment, some \$500, that will be paid by each of the 12.5 million immigrants who are out there, many of whom will adjust their status. If they pay that \$500, that is in excess of \$1 billion—\$1 billion that will be paid to those high-impact States, which is not insignificant, to help offset any of the kinds of utilization of these individuals in terms of the services within these various States. That is not insignificant.

Secondly, all of us are hopeful of trying to get universal coverage for people in this country, but we know we have 47 million who don't, and the ones who don't, it isn't that they don't want to have health insurance, it is because they cannot afford it. When you look at these individuals whom we are talking about, the undocumented and their income, we are talking about individuals who are earning \$8,000, \$9,000, \$10,000 a year. If they have the adjustment of the status, they are going to be part of the whole kind of American system, hopefully, and meeting the other kinds of requirements, and therefore their enhanced opportunities are going to be there so they will be able to afford health care in the future. But making the requirement now will only state to those individuals to keep them in the shadows. It is one more barrier that is going to prohibit them from being involved.

A final point—and I ask unanimous consent to have this material printed in the record—the utilization of these health care facilities as we have seen in the most recent study, particularly in the State of Texas, which shows that, by and large, these are individuals who are younger, have used these health emergency centers very rarely. We have the studies that have been done, particularly the most recent one in Texas.

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

SPECIAL REPORT, DECEMBER 2006

UNDOCUMENTED IMMIGRANTS IN TEXAS: A FINANCIAL ANALYSIS OF THE IMPACT TO THE STATE BUDGET AND ECONOMY

\* \* \* to develop an estimate of the fiscal impacts to 14 Texas border counties. In addition to sheriff's offices, they calculated costs to the following offices for each county:

District Attorney  
District Court  
District Clerk  
County Attorney  
Court at Law  
Justice of the Peace  
Indigent Defense  
Adult Probation  
Juvenile Services

They also included an estimated emergency medical care cost, but their estimate included costs for both offenders and non-offenders who are undocumented immigrants. The Comptroller's report includes a separate calculation estimating Texas health care costs for undocumented immigrants, so these costs were subtracted from the U.S./MBCC estimate.

The U.S./MBCC estimated that the cost to these 14 border counties was approximately \$21.5 million. Of that amount, sheriff's offices accounted for approximately 60 percent of expenditures for undocumented immigrants. Applying this ratio to the figure calculated for sheriff's office costs produces an estimate of \$81.7 million for costs related for processing and incarcerating undocumented immigrant offenders for the 15 highest SCAAP grant recipients. These 15 counties received 88 percent of the 2005 SCAAP money awarded to Texas counties; \$81.7 million divided by 0.88 produces an estimated total cost of \$92.9 million.

This figure represents a conservative estimate, as the SCAAP grantees represent 95 of

Texas' 254 counties and 87 percent of the state's population. Some of the remaining counties also may incur criminal justice costs related to the processing and incarceration of undocumented offenders. For example, five of the 14 border counties included in the U.S./MBCC study did not submit SCAAP applications in 2005.

Total estimated costs for education, health care and incarceration are detailed in Exhibit 13.

VI. ECONOMIC BENEFITS

This section analyzes two issues: the economic impact of undocumented immigrants in Texas, including their contributions to state employment, wages and revenues over a 20-year period (2005 through 2025); and the contributions of undocumented immigrants on Texas government revenues.

ECONOMIC IMPACT

The Pew Hispanic Center estimates that between 1.4 million and 1.6 million undocumented immigrants resided in Texas in March 2005. To achieve a conservative estimate, this analysis relies on the lower boundary of this range.

Using 2000 Census data for the number of foreign-born residents in Texas counties, it is possible to estimate how many undocumented immigrants reside in each of Texas' 24 Council of Government regions, based on the assumption that immigrants are distributed in the same proportion as the foreign-born. Based on an age profile of foreign-born immigrants into the U.S. from Mexico, it is possible to further disaggregate the estimates into age and gender groups.

These data then can be put into the Comptroller's Regional Economic Model, Inc. (REMI) model to investigate the impact of undocumented immigrants on the Texas economy. This is accomplished by instructing REMI to act as if these immigrants were to suddenly vanish from Texas and then to examine the degree to which the underlying economic forecast for the state and for each region would be affected. The implicit assumption is 1.4 million undocumented immigrants have employment and spending patterns consistent with Hispanics in Texas with similar age and gender profiles.

To gauge the economic impact of undocumented immigrants, one additional change must be made in the REMI model. Because REMI is a general equilibrium model, it tries to compensate for changes in a variety of ways. In the case of workers eliminated from a region, the model assumes new workers will be recruited to make up for their loss.

While this is an expected "real-world" result, a true test of the effects of unauthorized immigrants would be seen only if the REMI model were prevented from importing additional workers into the state in compensation.

The model eliminates the impact of all undocumented immigrants on the Texas economy. Some in-migration was allowed, but drawing in new Hispanic in-migrants in numbers disproportionate to their share of the indigenous population in the U.S. was prohibited. Effectively, this shut off return in-migration from Mexico and other Latin-American countries.

Model Results

Probably the easiest way to summarize the contribution of undocumented immigrants to the Texas economy is to consider the percentage changes that might occur in various economic indicators as a result of their removal. (As a yardstick, it should be noted that 1.4 million people account for slightly more than 6 percent of the total Texas population.)

Exhibit 14 and 15 summarize the changes in key economic indicators, and summarize the

economic impact. Without the undocumented immigrant population, Texas' work force would decrease by 6.3 percent. This decline is actually somewhat lower than the percentage of the work force actually accounted for by undocumented immigrants, since REMI assumes some additional immigration would occur to replace the workers lost. The most significant economic impact of losing undocumented workers would be a noticeable tightening in labor markets.

This tightening would induce increases in wages, as indicated by a rise in average annual compensation rate. Wage rates would rise by 0.6 percent in the first year and stay above the forecast rate throughout the entire 20-year period.

While pay increases can be viewed as a positive social and economic development, when they rise due to labor shortages they affect economic competitiveness. In this case, it would be expressed as a modest decline in the value of Texas' exports.

The remaining broad economic measures all point to an initial impact of undocumented immigrants of about 2.5 percent in terms of the value of production and wages in the Texas economy. Eliminating 1.4 million immigrants would have resulted in a 2.3 percent decline in employment, a 2.6 percent decline in personal income and a 2.8 percent decline in disposable personal income in 2005. This change also would generate a 2.1 percent decline in the gross state product (GSP), the broadest measure of the value of all goods and services produced in Texas.

While none of these changes are surprising, the one finding that may appear unusual is the persistence of the decline. If no in-migration were possible other than from natives or authorized immigrants, employment would remain 2 percent below the baseline forecast 20 years later. The impact lessens over time, but remains sizable throughout the 20-year forecast period.

The primary adjustment the model makes to compensate for the loss of these undocumented migrants is initially a rise in the wage rate, which would induce some new in-migration into Texas and some additional participation in the labor force from current residents. Moreover, with wages rising relative to capital, there would be some substitution of capital for employees so the need for additional workers is lessened through productivity increases. But the fact that the Texas economy cannot adjust completely to the loss of this labor through these changes and retain its competitiveness ultimately means that relative to the rest of the world the cost of production in Texas is higher, making our goods less competitive in the international marketplace and decreasing the size of the Texas economy.

Regional Distribution

Assuming that the current distribution of unauthorized immigrants is similar to the distribution of the foreign-born population in Texas from Central America and Mexico, as detailed in the 2000 Census, the economic impact of unauthorized immigrants varies substantially across Texas. As detailed in Exhibit 16, the loss of 1.4 million undocumented immigrants from the work force would produce work force declines ranging from 22.7 percent in the South Texas COG region (the Brownsville-McAllen area) to 1.7 percent in Southeast Texas (the Beaumont-Port Arthur area).

Generally, undocumented immigrants have the highest economic and demographic impact in the Border region, but they are a factor in the state's more urbanized areas as well. In all but one case (the Middle Rio Grande COG), Border COGs would see work force declines in excess of 20 percent (the Rio Grande, Lower Rio Grande and South Texas

COGs). Even in the Middle Rio Grande COG (including Laredo), the work force impact of undocumented immigration is more than double that in the Houston-Galveston COG.

Other measures of economic impact are distributed similarly. Estimated population, employment and GSP declines would be highest along the border but also high in large metropolitan areas elsewhere in the state. The least affected regions in Texas would be those along the Louisiana and Oklahoma borders.

By 2025, a good portion of the work force and population changes would lessen, but in all regions the employment and gross regional product declines would remain sizable, indicating that the economic impact of undocumented immigrants is unlikely to be replaced by other economic changes (Exhibit 16).

#### Revenues

Estimating state government revenue attributable to undocumented immigrants is a difficult undertaking because any calculations must be based both on limited data and a number of significant assumptions about spending behavior. A review of the literature found several studies on undocumented immigrant impacts, but none that could be used as a model for Texas. Primarily, these studies focused on the impact of all immigrants, regardless of legal status, and the analyses focused on federal or state income tax revenue. Since Texas has no income tax, any estimate of state tax revenue must be based on its mix of consumption and business taxes.

Texas state government receives revenue from a wide variety of sources, but these generally can be grouped as tax collections, federal funding, licenses and fees and all other sources of revenue. In fiscal 2005, \$29.8 billion of the state's total revenues of \$65.8 billion came from tax collections. Federal revenue contributed \$22.8 billion and licenses, fees, fines and penalties accounted for almost \$6.2 billion. Other sources, such as interest income and lottery proceeds, generated the rest.

For the purposes of this analysis, major tax sources were analyzed to determine if a significant portion of collections could be attributed to consumer spending. Similarly, some major sources of revenue from fees and fines were identified as appropriate to the analysis. Sources of revenue excluded from the analysis include federal revenue and all other sources that could not be attributed directly to consumer behavior. While the state generates revenue from literally hundreds of taxes and fees, this estimate is based solely on revenue sources reflecting spending by undocumented immigrants.

State revenues included in the analysis, can be grouped in five categories: consumption taxes and fees, lottery proceeds, utility taxes, court fees and all other revenue. In addition, local school property tax revenue is estimated. Consumption tax revenue totals are composed primarily of revenue from the sales tax, motor vehicle sales and use tax, gasoline tax, alcoholic beverage taxes, cigarette and tobacco taxes and the hotel tax.

Estimated revenue for each tax is calculated based on information from two sources. The Pew Hispanic Center produces data on average income and demographic characteristics of undocumented immigrants nationwide (again, no detailed demographic data are available at the state level). The estimate of annual average family income used in this analysis is \$27,400. In addition, data from the Comptroller's tax incidence model shows the tax impact for households at the estimated average income level.

State utility tax revenue mostly comprises the gas, electric, and water utility tax and

this estimate uses the same basic data on average income along with the final incidence impact for this tax. Similarly, local school property tax revenue is based on the same data and the incidence specific to the school property tax.

Estimated lottery revenue is based on a Lottery Commission study of the percent of the population that plays lottery games and the average amount spent by each income level. Court costs and fees were calculated on a per capita basis since they are largely unrelated to income.

"All other revenue" consists of a number of smaller consumer taxes and fees that may well include some amounts paid by undocumented immigrants, but for which no data exist to base an estimate. The largest of these sources is higher education tuition; other sources include state park fees and the fireworks tax. This estimate assumes that undocumented immigrants contribute to the state through these revenues at the same rate as for the major consumption taxes and fees except for higher education tuition and fees. These contributions were calculated in proportion to higher education student enrollment.

As shown in Exhibit 17, estimated fiscal 2005 revenue to the state from undocumented immigrants in Texas is about \$1.0 billion, or about 3.6 percent of the \$28 billion in state revenue considered in this analysis. In addition, an estimated \$582.1 million in school property tax revenue can be attributed to undocumented immigrants, or about 2.9 percent of the statewide total. Undocumented immigrants, thus, contributed nearly \$1.6 billion in estimated revenue as taxpayers in fiscal 2005.

#### VII. CONCLUSION

The immigration debate has become more heated in 2006. Congressional hearings were held across the U.S. to discuss the impact of undocumented immigrants on the economy and the culture. At the same time, two distinctly different pieces of legislation were voted out of the U.S. House and Senate.

The Comptroller's office estimates the absence of the estimated 1.4 million undocumented immigrants in Texas in fiscal 2005 would have been a loss to our Gross State Product of \$17.7 billion. Also, the Comptroller's office estimates that state revenues collected from undocumented immigrants exceed what the state spent on services, with the difference being \$424.7 million (Exhibit 18).

The largest cost factor was education, followed by incarceration and healthcare. Consumption taxes and fees, the largest of which is the sales tax, were the largest revenue generators from undocumented immigrants.

While not the focus of this report, some local costs and revenues were estimated. State-paid health care costs are a small percentage of total health care spending for undocumented immigrants. The Comptroller estimates cost to hospitals not reimbursed by state funds totaled \$1.3 billion in 2004. Similarly, 2005 local costs for incarceration are estimated to be \$141.9 million. The Comptroller estimates that undocumented immigrants paid more than \$513 million in fiscal 2005 in local taxes, including city, county and special district sales and property taxes. While state revenues exceed state expenditures for undocumented immigrants, local governments and hospitals experience the opposite, with the estimated difference being \$928.9 million for 2005.

Mr. KENNEDY. So at the appropriate time, I hope the DeMint amendment would not be accepted. We might have more time to consider it, if the Senator wants to, when we have more of our

colleagues here later, prior to the disposal of it. I was sort of hoping we could see a continued movement on several of these amendments, but we are being told now we have to have this clearance from the leadership on some of these measures, but we are hopeful we will announce to our colleagues very shortly what the plan is for the rest of the evening.

We are prepared to stay here, remain here and go through to dispose of these amendments. We have made important progress in the past. We have some important amendments which are pending. I think Senator SPECTER and I and the others who are interested in this—I see my good friend from Colorado, Senator SALAZAR, and others who are more than willing to have a good discussion about these amendments, and we would welcome the opportunity to have the Senate express itself with votes. That is certainly our desire. We wish to see continued progress on this extremely important legislation.

As one of those with others who has been a part of this process, we want to try. We know it is complicated and difficult. We know there are strong emotions. But I think all of us, after the period of this Memorial Day recess, understand full well the American people are expecting us to take action. They know that failure is not an alternative. They know it is complex. They know there are great emotions. There are a good many who know nothing out there—people who distort, misrepresent, misstate the legislation, and then differ with it, and that has certainly been done with regard to this legislation. We have, at least to date, had good debates and discussions on substantive matters, and the Senate has reached conclusions on a number of these matters. It is certainly our desire to continue that process to work with our colleagues on both sides of the aisle to continue.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to commend those who have worked on the immigration bill. I know their hearts are in the right place and they have attempted to come together to solve a very critical issue for our country and they are to be commended for their efforts.

I understand that if we call up an amendment, it will be objected to, and I think that is unfortunate. As the country sees, if we are going to have an immigration bill, then we need to have a real, full debate on all aspects of that bill and each Senator should have opportunities to offer amendments.

I think the bill has a lot of good in it. I think a lot of positive things have come through. However, there are two or three critical errors I believe that are incorporated in the bill. Quite frankly, one of them is the bill's plan, in terms of guest workers and managing the load of the Z visa holders. There is not the capability out there right now to do that.

I have an amendment which creates a real trigger, and that is what everybody in this country wants.

The reason there is a stir in the country about immigration today comes from the very fact that we have had laws on the books that we haven't enforced. When you have a free society and you have laws on the books that are not enforced, you get all sorts of untoward expectations that come about out of that. The No. 1 expectation that has come out of that is the American people don't trust us when it comes to immigration. I believe we have to earn back that trust. The way we earn back that trust is to secure the border. The way we earn back that trust is to enforce employer verification. The way we earn back that trust is internal enforcement.

The goals, as I said, of those who have worked hard in putting this bill together are admirable. However, the trigger is anything of a trigger, and it is something that would not accomplish its purpose.

I ask unanimous consent at this time that the pending amendment be set aside and amendment No. 1311 be called up.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, I was in consultation. Could the Senator restate his request? I apologize to him.

Mr. COBURN. Amendment No. 1311.

Mr. KENNEDY. The Senator chooses to call up his amendment.

Mr. President, reserving the right to object, what we were attempting to do is, as we have been moving from one side to the other, Republican and Democrat, to have the introduction of amendments on both sides. That is what we would like to do. We have had a flurry right now of amendments. I hope we get an opportunity—I think, quite frankly, there are more amendments on that side than on this side, as a factual matter.

What they have tried to do is match amendment for amendment on both sides. That has been what they have tried to do through the day today. Whether that will be the way it will be in the future, I don't know. As I mentioned, there are more amendments on that side. So, obviously, we are going to have to deal with more. At the present time, they are trying to match one side with the other side in terms of amendments. So I hope that if we have amendments on this side, the Democrats would notify us so we can match them up and propose them together.

I necessarily have to object at the present time. I hope we will not have to object when we get our final list. To try to maintain at least that balance, which was at least the way we were attempting to proceed, I have to do it at the present time. I will do everything in my power to make sure that, having done so, his amendment will certainly be considered in a timely way so it doesn't work to his disadvantage.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oklahoma is recognized.

Mr. COBURN. I trust the Senator's integrity. But it is unfortunate for the American people, and also for the Senate, that we use a ruse that we have to have offsetting amendments be heard, when the fact is we are going to bring this amendment up, and we are not going to debate it tonight. The fact is it is going to be objected to being called up and being in the queue.

That overshadows the fact that I know the Senator would like to have a full and fair debate on this bill, but it seems we cannot get together to allow that. I will come back multiple times tomorrow to offer this same amendment and try to get it up. It is unfortunate that the body has to work this way tonight because we don't want to truly, in fact, allow all of the amendments on this bill.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

#### NATIONAL HUNGER AWARENESS DAY

Mrs. LINCOLN. Mr. President, I rise today to bring to my colleagues' attention and remind them that today, June 5, 2007, is National Hunger Awareness Day. As a founder of the Senate hunger caucus and an original cosponsor of the legislation, I express my heartfelt belief that this cause deserves our full attention.

We all move very fast in this world on Capitol Hill. We sometimes forget that outside the beltway bubble there are a lot of hard-working families, as well as other families that may not be quite so blessed, in terms of their everyday needs being met.

The resolution that established National Hunger Awareness Day allows for food collection. That is one thing we are doing on Capitol Hill today. We are doing a food collection for the needy, where Members and their staffs can bring food to my office, as well as the offices of the other hunger caucus cochairs, Senator SMITH, Senator DOLE, as well as Senator DURBIN. I appreciate the willingness of my colleagues to participate in such a very important effort.

Our collection drive has been going on for several weeks, and we will soon be providing the food donations to the U.S. Veterans, a charity based in Washington, DC, that assists homeless veterans with food and housing during their recovery. Certainly, as we recognize the diversity in the homeless community and those who suffer from food insecurity, as well as poverty, we must not forget, particularly in this time, the number of veterans in our great Nation, those who served our country so bravely and courageously in a time of need, and what a perfect time right now is to be able to recognize that on National Hunger Awareness Day.

I have worked with my Senate colleagues to draw attention to this issue because hunger and poverty are not

just global issues; they are so pervasive that we all have some experience with them in our local communities, whether it is work we may do with our own houses of worship or whether it is something we do with our community-based organizations or community support activities. But we all can find a way where we recognize how pervasive poverty, and particularly hunger, is in this world.

Worldwide, 3 billion people—nearly half the world's population—live on merely \$2 per day. In our Nation alone, almost 38 million Americans struggle day in and day out to find adequate nutritional food. More than 13 million are children living in households that are food insecure.

That brings it home to me from several different directions: As a daughter raised in a seventh generation Arkansas farm family, watching my dad take an incredible sense of pride in being able to produce crops he knew would feed his fellow man, taking pride in being efficient and effective with what he produced, and knowing what he could do would help sustain his fellow man. To look out on the crops and those farmlands I grew up on, and to think that 13 million children are living in households that are food insecure, with all of the plenty and the bountiful life we have in this great country, breaks my heart. Then I think of myself as a mother of twin boys who are about to turn 11 years old, and I look up and think to myself how grateful I am to be able to know they will get a nutritious meal; to see them when they come home from soccer practice and look up at me and say, "Mom, I'm starving," and how blessed I am to be able to go to a cupboard and provide a nutritious snack to them; yet to think about other mothers across this globe who are not so fortunate, who have to look into the eyes of their own children and say there is nothing here for you, nothing to eat, nothing to nourish your body or your mind or your soul in the form of food.

We can do better than that. I feel blessed I have never had to experience what it is to suffer from hunger. But I have tried to put myself in the shoes of those mothers who look into the eyes of their children and have to give them that answer.

Now, in conjunction with National Hunger Awareness Day, I have also recently elected to accept the food stamps challenge and live on an average food stamp program payment of \$1 per meal. I went to the grocery store the other day, and I went down those aisles looking at what I could find that was economical and nutritious that I could prepare and would have the time to prepare, not just for myself, which I am the only one in my household doing the challenge, but nonetheless, to think of the time that working parents would have to spend to figure out how to put together a nutritious meal for them and for their children on \$1 per person per meal. It is my hope that my

participation in this event will not only create awareness in myself but also for others in highlighting the difficulties that millions of Americans living at or near the poverty line face each and every day. In addition, I hope to increase my understanding of the limitations of the Food Stamp Program and the importance it plays in assisting the food insecure and the hungry by experiencing what it is like to live it firsthand, to be looking for those foods and what you can afford on \$1 per meal.

We had a woman—a very courageous woman—who came and testified before the Senate Agriculture Committee on the Food Stamp Program. She brought with her her son who is 11 years old, similar to my boys, who sat there. She said: You know, I don't make it a habit of discussing financial issues in front of my young son, but this is so important to me, to point out that I work hard at a full-time job, and I still do not make enough money to provide for my family. I still am able to accept food stamps. She said: But look at what I have to do to manage that.

Then I looked at her testimony and realized that not only was she caring for her own son, she was volunteering with the PTA, the Cub Scouts, and the local library. She was helping her community also, helping raise all those children. Yet she was still subjected to living in food insecurity.

We can do better than that. As a Member of the Senate Agriculture Committee, I wish to ensure that we do improve the delivery and maintain the integrity of nutrition programs when we consider the farm bill later this year. I wish to also make sure we maintain the integrity of our ability in this great Nation to produce a safe and abundant and affordable food supply. We pay less per capita than other countries across the globe. Yet we still see that working families are living in food insecurity. Over 60 percent of the farm bill budget pays for important initiatives that directly provide food and nutrition assistance, such as the Food Stamp Program, the fresh fruits and vegetables program for schools; and we are finding now that oftentimes for those children that may be the only access they have to fresh fruits and vegetables; a farmer's market program for low-income seniors, among others, that we are striving so hard to not only eliminate food insecurity but to make sure we are working hard to provide for all Americans, for the needs that exist.

We must continue to fund these important programs, and we must look for new and innovative ways to ensure that Americans do not go hungry. I know that when I worked downtown, there was a man regularly at the front door of the office building I would go into. He would sit there, usually with a cigarette and a bottle and, you know, I felt so driven, both by my faith and simply my human nature, and I knew that in my life on this Earth, I should never, ever want to see another human

being going hungry. That is when I decided to start giving out food coupons—not giving out dollars but making sure my fellow man—doing all that I could do, so he and others would not go hungry if I were there.

In the coming weeks and months, I encourage my colleagues to become more aware, more educated, and more informed about the effect of hunger and poverty and to find out what impact you can have in your State and in your community. I encourage all Americans to do that. Think about the difference it makes—those 13 million children living in food insecurity—how much better they could perform in school if they weren't hungry; how less likely they would be to get sick if they were getting nutrition; how much more confident they would be in who they were and who they could become if they knew that their country was there to nurture them in the most basic and essential need: food.

There is no quick solution to this problem. Government alone cannot provide all the answers. We know that. As we look across these strong communities in our country and we see food banks sponsored by our faith-based organizations and the outreach of volunteers that provide Meals on Wheels and all kinds of other programs, we know that Government cannot do it all. But we also know that, as Americans and as an American family, the values we hold dear are values of being a good neighbor. That is a critical part of what this is all about. Together, we must work to reach out to organizations in our communities that are committed to this cause and develop a public-private partnership that provides resources and the manpower to combat food insecurity in this country.

Yes, we must teach our children. We must teach our children to become engaged in recognizing food insecurity, poverty, and hunger where it exists and to recognize that they, too, have a responsibility.

I noticed my son the other day when he came home, and he said: Mom, I am responsible for bringing some lunch meat to school because our student government is going to provide sack lunches to the homeless shelter out here in our community. The student government got together and made the lunches and put them together and then delivered them where they could visit the individuals they were actually helping, assisting, and giving notice.

In closing, I would like to leave my colleagues with just a few thoughts. I know many of you all read the same Scripture I do. First and foremost, I believe my faith calls me, and it calls all of us, regardless of faith, to care for those who are less fortunate; to feed the poor and the hungry. I can tell you I am proud that our current nutrition program works toward that goal, but does it do enough? No. We can all do more. We can all do more in reaching that goal.

Today, on National Hunger Awareness Day, we need to begin by asking

ourselves what more can we do to eliminate hunger and poverty in our community and in our world. It has been said: To those to whom much is given, much is required. We live in this great country. Such a blessing to each and every one of us. The opportunity to do for our fellow man is an incredible responsibility. To us, much has been given, and much will be required in giving back.

I appreciate my colleagues' attention to this issue, and I ask each and every one to reflect on what it is that we can do collectively as a government that reflects the values of who we are as an American family and what each of us has to do individually that reflects the values that we hold dear. One of the things we must remember, hunger is something that has a cure. There are many diseases and many things we debate on the floor of this body for which we don't yet have a cure. We don't know how we are going to solve those problems. Hunger has a solution and it has a cure and it is our responsibility to strive hard each and every day to find that cure for our fellow man.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to commend my colleague from Arkansas, the senior Senator from Arkansas, for the passion that she has shared with us that she has had for some period of time about the plight of the hungry.

Indeed, she is accurate in pointing out that in the ancient Scriptures there are over 2,000 references to the poor. And, indeed, she quoted very accurately from the Book of Matthew, where one of the great admonitions is to do it unto the least of these, my brothers and sisters, and one of those admonitions: When I was hungry, you fed Me. So I thank her for that.

Having just come back from Africa, participating in a number of the world food programs there, I would note a food program is not only necessary there because of the obvious, the starvation and the drought, and so forth, but now, with the President's new initiative and additional funding on the HIV/AIDS plague, in the administering of the antiviral drugs which have had some very positive effect, we find they won't work because the patients can't tolerate them if they are hungry. So now a program worldwide of joining the two.

But the Senator from Arkansas has spoken so eloquently about hunger at home, hunger among us, and there is no reason in America, in the year 2007, that we should stand idly by and turn a blind eye to the needs around us among the poor. I thank her for her comments and her passion that she brings to this subject.

Mr. DURBIN. Mr. President, I rise today in honor of National Hunger Awareness Day and to give voice to the difficult reality that exists for more than 35 million people in the United States—the experience of hunger.

In a society as civilized as ours, basic sustenance should be a guarantee. If children—or adults—are hungry in America, that is a problem for all of us.

Yet hunger continues to affect the lives of millions of families, including over 14 million children who live below the poverty line.

In the past few years, there have been multiple efforts to make “hunger” disappear—not as a troubling reality for millions, but as a term in surveys and press releases.

Every year, the USDA issues a report that measures Americans’ access to food, and it has consistently used the word “hunger” to describe those who can least afford to put food on the table.

But starting in 2006, hunger facts and figures began to disappear and were replaced by measures of “food security,” a more scientifically palatable term.

Yesterday, the Washington Post reported on the proposed administration budget cuts to the Survey on Income and Program Participation—the only large-scale measure of the impact of Medicaid, food stamps, school lunches, unemployment and other safety net programs for the poor.

All these efforts put forth the false notion that nobody’s hungry in America.

But despite the fact that we don’t use words and we don’t use numbers, the presence of hunger is ever so clear.

We can see it in the faces of children at school who have not had a decent meal since yesterday’s school lunch. We can see it in the families at food pantries showing up a day earlier than normal because their monthly pay is not stretching as far it once did. We can see it in the loving parent giving up their own meal to make sure their child has something to eat at night.

In a land that prides itself as the land of plenty, we cannot hide the fact that we need to do a better job at making sure everybody has at least enough to eat.

Each hungry child that we allow suffer chips away at the moral strength of our country. This land of opportunity—and the American dream—should not allow for 37 million of its people to live in poverty, to live hungry.

Our moral strength, our commitment to our community is a foundation of our country. The well-known American journalist, Bill Moyer, just last week put it best when he said:

It’s right there in the Constitution—in the Preamble: “We, the People”—that radical, magnificent, democratic, inspired and exhilarating idea that we are in this together, one for all and all for one.

And he was right, this is the “heart of democracy” and more importantly, it is the heart of humanity. As Bill says, the prayers we say are prayers for all of us: “Give us this day our daily bread.” And his is the most important message that should inspire us today: “We’re all in this together; one person’s hunger is another’s duty”.

Hunger is a problem for all of us. I hope that we all work together to ful-

fill our duty to end hunger in our Nation and the world.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, I rise to speak today on the occasion of National Hunger Awareness Day.

Hunger and poverty are among the great moral challenges confronting our society. Hunger and poverty require us all to respond—because our society can be judged by how we treat our most vulnerable citizens. If there is a child out there who has done everything she has been asked and still has to say no to the college of her dreams, that makes a difference in our lives, even if it is not our child. If there is a senior citizen who has to go bag groceries because some company broke their promise about his pension, that matters to us, even if it is not our grandparent. If there is a veteran who has been wounded in this war, and ends up back here on the streets picking through a dumpster for food, that diminishes the patriotism of every American.

This week the Food Research and Action Center, FRAC, has released its annual study: “State of the States: 2007.” This important research highlights levels of hunger, poverty and the use of federal nutrition programs nationally and in each State.

This report and its findings underscore why we must continue the push in Congress to strengthen proven anti-hunger measures such as the Food Stamp Program. We have made progress over the last few decades in combating extreme hunger in our communities. But the work is not over. In Illinois, for example, more than 150,000 households are hungry, and many more families live at the margins and are at risk of becoming hungry. We can do better. That is why I have joined my friend DICK DURBIN in pushing to strengthen antihunger measures in this year’s farm bill, and I will continue to support vital programs that can reduce hunger in our communities. The Food Stamp Program, for example, helped an average of 26.7 million Americans each month last year, while on average the USDA has estimated that every Food Stamp dollar generates approximately \$1.80 in economic activity. And for many families, Food Stamp support is vital during their transition from TANF to employment. This is the kind of nutrition and antipoverty program Congress should be enhancing and investing in.

I am also proud to be a cosponsor of S. 1172, the Hunger Free Communities Act, which was introduced by Senator DURBIN and enjoys strong bipartisan support. This measure would improve and strengthen Hunger-Free community grants that aide our frontline antihunger organizations, as well as establishing much needed, hunger-focused research efforts within USDA and setting national goals for reducing hunger.

Other Federal nutrition programs, such as the National School Lunch

Program, Women, Infants and Children, WIC, and the Commodity Supplemental Food Program, CSFP, offer critical support to some of our Nation’s neediest citizens. After all, how can we expect our children to be productive and attentive at school when they haven’t had breakfast or lunch?

I have learned from my time in Washington that hunger is one of those issues that every politician likes to talk about. What is harder, it seems, is to follow through and take substantive steps to eradicate hunger in our communities. That is why I am grateful for the close support and collaboration of our many friends and outside groups that are at the frontline of combating hunger and raising the profile of this issue every day. They hold us accountable for ensuring our deeds match our words.

I hope that my colleagues will continue to join in this important moral endeavor of addressing the most basic needs of our brothers and sisters—and strengthening our Federal nutrition programs.●

WILLIAM CLIFTON FRANCE, JR.

Mr. NELSON of Florida. Mr. President, we have been mourning the loss of our colleague today, and I have had the opportunity earlier this morning of sharing with the Senate my comments concerning the life of Senator THOMAS. Indeed, America is mourning another one of her great sons, and that is the past president of NASCAR, the one who built NASCAR into what it is today, the No. 1 motor sport—one of the greatest of all sports now, with 75 million followers—and that is Bill France, Jr., who died just a few days ago.

Bill France is one of those great American success stories. He learned from his father, way back in the old days when he was tending to a gasoline station in Daytona Beach, FL, where he got the idea of starting to race stock cars. The first races were rather rudimentary because they went on that beautiful hard-packed sand of Daytona Beach. They would go down the beach for quite a distance, turn, come up on a road that is today called Highway 1A—and back then it was a dirt road—go down that a distance, turn back on to the beach, and continue the circular drive using the beautiful Daytona Beach. Of course, that graduated into the building of the Daytona Speedway, until we now have this NASCAR being America’s No. 1 form of motor sports for 75 million fans.

Bill France, in building this sport, not only started to improve the Daytona International Speedway, but his International Speedway Corporation oversaw other raceways, such as Darlington, Talladega, and others. Bill France followed in the footsteps of his dad, Bill Sr. He was a big man, 6 feet 5 inches. Bill Sr. was the founder and the first president of NASCAR. The France family lost Bill Sr. some number of years ago. I had the privilege of knowing Mr. France, Sr., and then see his son bring this sport into the prominent

position that it is among all sports in the entire world.

William Clifton France. The France family mourns his loss. The Senate's condolences go out to Betty Jane and his daughter, Lisa France Kennedy; to his son, Brian France; and to the entire France family. America has lost one of her great citizens, but America is the better for the great things that Bill France has built.

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

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant 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. I ask to speak as in morning business.

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

Mr. SESSIONS. Mr. President, a number of things continue to be revealed as we analyze this monumental piece of legislation which purports to comprehensively reform immigration law in America and, indeed, any comprehensive reform bill would be extensive because it is an incredibly complex subject with many moving parts, many legal niceties and complexities, all of which, if we are going to have a system that works, need to come into place.

It has been stated repeatedly by those who have proposed and promoted the legislation which is before us today that this legislation will secure the border and we will have a lawful system of immigration in the future. Those claims have been made repeatedly. The proponents have said they are going to have additional Border Patrol agents, and so forth. Indeed, the PowerPoint that the White House used to make their presentations early on promised to "secure U.S. borders" and "not to repeat the 1986 failure."

Others are saying the same thing. One of the Senators who is involved in the process said, "I am delighted we are going to secure the border." Another Senator said, "This legislation will finally accomplish the extraordinary goal of securing our borders." Another said, "The agreement we just reached is the best possible chance we have to secure our borders. In this legislation we are doubling the border patrol; we are increasing detention space." Another Senator said, "This will restore the rule of law. Without the legislation, we will have anarchy." Another one said, "We started out with 18,000 additional border patrol officers. We will increase the detention capacity." And so on and so forth. Even our former Governor Jeb Bush and Ken Mehlman wrote an op-ed in the Wall Street Journal and said, "It will make sure our borders become secure."

"We have had broke borders in this country for 20 years." That is the truth. "It is time we get them fixed." That is the truth.

Then they add, "And this bill will do just that."

Okay. There are many more I could quote along that line. But I hope, therefore, that every member of our body who understands the Congressional Budget Office and the work that organization does, how it is designed to analyze statutory language in our legislation to give us a budget score and other analysis of what that legislation is all about, they made a tremendously significant announcement yesterday, one that is quite frightening and all of us should pay attention to.

According to the Congressional Budget Office, the new Senate bill will only reduce net annual illegal immigration by 25 percent. It will add 550,000 visa overstays to the illegal population by 2017, and up to 1 million visa overstays by 2027.

In the section titled "Effects on the United States Population," the CBO states, and I quote their article, their report:

CBO estimates that implementing those requirements [enforcement and verification requirements] would reduce the net annual flow of illegal immigrants by one-quarter.

Twenty-five percent. Then they go on to note the problem with visa overstays, in addition, saying this:

Other aspects of the legislation are likely to increase the number of illegal immigrants, in particular, through people overstaying their visas from the guest worker and H-1B programs.

CBO estimates that another 1.1 million people would be added by 2017 as a result of the guest worker program, about half of them authorized workers and dependents, the remainder the result of unauthorized overstays. That figure would grow to 2 million by 2027.

What I want to say to my colleagues is—and those people who have worked hard on the bill to try to create a piece of legislation that politically they think can be passed, and they worked together with special interest groups and everybody but the U.S. Border Patrol, and everybody but the American people who had an interest in immigration, they all plotted on how to write this thing up so they can eliminate political problems and split babies in half—all of that is supposed to create a system that first and foremost would create a lawful system of immigration, would eliminate the illegality and create border security.

Now we have the Congressional Budget Office telling us that at best it is only going to reduce illegal immigration 25 percent. As a price for that, we are supposed to grant amnesty to 12 million people who are here, provide options for chain migration to continue for 8 years, denying during that time highly competitive people from all over the world who want to come here an opportunity to come here, and delay some of the things in the bill that I think are positive and ought to become law.

I want to tell my colleagues once more, think about this as you consider whether you can justify supporting the

legislation. Because if it is going to reduce the illegal flow into this country by 25 percent, and actually through the guest worker program is going to allow more people to overstay, then we have got a problem. You see, visa overstays are already nearly 40 percent of the illegal population. Those are people who come into the country legally, they stay here through their allotted time; they just do not leave when the time is up. They stay, they overstay.

Under the plan we have here that has a temporary guest worker program, that would have after the first year some 400,000 temporary workers here at a given time, their parents could come to visit them, their spouses could come to visit them. Even spouses could come to visit if the spouse does not certify they intend to return and stay in their home country; a real tipoff that they intend to stay illegally in the United States if they are not entitled to stay; they want to stay illegally. So I think those are matters that are important to us.

I also note there is a glaring omission in the trigger language of the legislation, and that omission is the U.S. exit visa, the U.S. visa exit portion. In other words, when you come into the country with a biometric card, you are approved to work as a temporary worker at some place, and you do your duty, you are supposed to stay 1 year, a season, you are supposed to stay 2 years, and then return. What happens when you return or do not return?

Ten years ago we required that by 2005, we have a recording system that records your exit from the country, like you may have when you go to work and you record your time clock out when you leave work. Therefore, we know if the person who came left when they were supposed to leave, and you know if they did not.

That is not in the bill. That is not required as a part of the requirement before the amnesty takes place. I wanted to share that with my colleagues. I think it should cause a great deal of uneasiness for all of us. It makes you wonder how committed the drafters of this legislation—and frankly, a lot of lawyers and people with experience in immigration and some of them not even Senators, were deeply involved in all of this in writing the legislation. I am not sure everybody caught all of these things. We are just now hearing what is in the bill, frankly.

So however they drafted it, whoever wrote this in, time and again you see provisions in the bill—and I have listed 20; we will soon have 25 loopholes of this kind and nature that I think indicate the drafters were not as committed to enforcement as they have suggested. Oftentimes, as I noted, drafters are not the Senators who did not do all of the fine-printing themselves.

I want to note one thing in the CBO report. It has been stated more than once.

Mr. President, I see the majority leader here. I can delay other activity.

I wanted to raise this issue. I would be glad to yield to him. I will wrap up and say one more thing.

It was repeatedly noted that the score by the Congressional Budget Office indicated the bill had minimal cost to the taxpayer over the first 10 years. Now we knew without dispute that in the second 10 and even in the decades that go beyond that, the cost surges. But even in the first 10, they said there would be little, if any, cost. But if you read their latest report in detail, you will note that is only true if you consider Social Security taxes paid by those people who are legalized under this bill.

But, you see, that should not be counted and will not be counted in a budget situation, because the money paid to Social Security is set aside for that person's retirement. If they pay into Social Security now, they are going to draw it in retirement later. That is an off-budget matter. That is a Social Security matter. That income should not be counted. When you eliminate that money for Social Security, you come out with a \$33 billion cost in the first 10 years of this legislation, according to our own Congressional Budget Office. Those numbers will surge in the decades to come.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ.) The majority leader.

Mr. REID. Mr. President, for the benefit of all Members, we are very close, we hope, to having two votes. It should be momentarily, in the next 10 minutes. It might be better.

We are trying to work out something on the McConnell amendment and the Feingold amendment. We have been very close to that for some time now. I am told we are very close to it now. We also have staff, both majority and minority staff, working on setting up about a dozen votes for tomorrow on amendments that are pending.

As everyone knows, I offered earlier today to have the staffs work to find out what votes the minority has that they feel would be germane postcloture, so maybe we can come up with a finite list of those. We are willing to be reasonable, but we do have to move this along.

I have had a number of Members say to me: Well, let us take another week or two on this bill; it is worth it. I know how people feel about this bill. We are not spending another week or two on this bill. It is Tuesday. We still have Wednesday, Thursday, Friday to finish this bill, could work into the weekend if necessary. This is an important bill, but we need to finish it. We need to finish this. That is why cloture will be filed tonight. I have offered a unanimous consent request so we would not even have to vote on it Thursday morning; we could vote on it Thursday night. I have also suggested if people are serious about moving this bill, we only need the one cloture vote on a substitute. That is the way it normally works, anyway; you don't have

to turn around and vote on the bill itself. Rarely does that happen. That would only be if someone is trying to stall this matter.

I hope we can dispose of a lot of amendments. I hope tomorrow or the next day we could vitiate the request for cloture and have final passage on the bill. We want to be reasonable. That is why the staffs have been instructed to try to work on a way to get from here to there.

But this stage has been very difficult, because a lot of people who want to offer most of the amendments are people who have no intention of ever voting for this bill, no matter what happens. We are still going to process their amendments. They have a right to their amendments as does anyone else, even though their definition of improving the bill is, I guess, relative.

Mr. President, we still do not have anything here yet.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, as I understand the procedure the leader has been exercising, it is only one or two amendments are allowed to be placed in the pending category, and if one attempts to bring up an amendment, leadership objects.

I tried to bring up an amendment Friday, and there was an objection to make it pending. I tried to bring up an amendment Monday. There was an objection on a very—we are sort of being slow walked. I would ask the leader, would he allow us to bring up a substantial number of amendments and get them pending, so if he files for cloture and got it, you would have a chance to get those amendments voted on? If they are not pending, we will not get to vote on them.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I say to my friend, the distinguished Senator from Alabama, he has two amendments that are pending now.

We have found in weeks past, months past, it is important to dispose of amendments that are pending; otherwise, you wind up that the person who offered the last amendment controls what goes on here on the floor. There have been a number of additional amendments that have been filed today. As I indicated, staff is now working on a procedure to dispose of all of the pending amendments, have votes on those tomorrow.

As I have said earlier today, in fact a few minutes ago again, often here in the Senate, when we come to situations such as this, we say: Okay, let's get a list of finite amendments. How many amendments do you want to offer? Then we try to work that out. It is a little difficult to do, because any one Senator can stop that. But we are trying to come up with a finite list of amendments. The two managers, Senators KENNEDY and SPECTER, have worked on this, and their staffs are working on this, along with mine.

Right now there is an effort to move this forward. I hope we can do that.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1170

Mr. DURBIN. Mr. President, there is an amendment that has been filed and may be considered this evening, which I think is extremely important. I wish to speak to it. It is the McConnell amendment, offered by the Republican leader, amendment 1170, to the immigration bill.

This amendment has very little to do with this immigration bill, but it is one of the most important issues any Congress could ever consider. It is about Americans' right to vote.

The right to vote is the most fundamental right in a free and Democratic society. In fact, in *Reynolds v. Sims*, the Supreme Court called it "preservative of other basic civil and political rights."

I think that is fair warning to all of us that when we consider the McConnell amendment, we should understand this is not just another amendment. This amendment goes to the heart of our franchise as Americans. It goes to the heart of our democracy. We have come a long way in our country on the issue of voting rights. Last year, we reauthorized the historic Voting Rights Act, the landmark act passed in 1965 safeguarding the right to vote for millions of Americans who had been denied that fundamental right for generations. The amendment offered by Senator MCCONNELL to this immigration bill will undermine the Voting Rights Act. It will restrict voting rights in America. It will diminish the voting rights of our American citizens, particularly minorities, the poor, the elderly, and the disabled. That is a historic decision. This is not another commonplace amendment; it is an amendment of great moment.

I might add, the McConnell amendment is opposed by nearly every major civil rights group in America today. The McConnell amendment, simply stated, would require that all Americans bring a government-issued, current, valid photo ID with them when they vote. The idea may sound reasonable on its face until you look closely.

The fact is, many Americans don't have a photo ID. Twelve percent of Americans don't have a driver's license. Who are those 12 percent? By and large, they are minorities, the poor, the elderly, and the disabled. A 2005 University of Wisconsin study showed that over 50 percent of African-American and Hispanic adults in Milwaukee don't have a valid driver's license. The McConnell amendment will have a disproportionately negative impact on these groups. It will diminish their right to vote.

Second, the McConnell amendment may be on its face unconstitutional. The State of Georgia passed a photo ID law in 2005, and it was struck down by the courts. A Federal district court judge said it constituted a modern-day

“poll tax” and was presumptively unconstitutional. An appellate panel of three judges, including two Republican appointees, agreed. What gave rise to the Georgia photo ID law? Was there a history of election fraud in that State? No. The Georgia secretary of state said she was unaware of a single documented case in recent years of fraud through impersonation of a voter at the polls.

Cries of voter fraud are heard over and over again. It is one of Karl Rove’s inspired strategies to keep raising this issue. But these are phantom cries. Look at the numbers. Since 2002, 196 million votes have been cast in Federal elections. Do you know how many voter fraud convictions there have been from those 196 million votes? Fifty-two out of 196 million. Most of these were for vote-buying and voter registration fraud, neither of which would be stopped by a photo ID.

Sadly, and cynically, photo ID laws are being pushed by some for partisan reasons.

Seventh Circuit Judge Terrence Evans wrote, while dissenting in a recent Federal case that upheld a photo ID law in Indiana:

Let’s not beat around the bush. The Indiana voter photo ID is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic. We should subject this law to strict scrutiny . . . and strike it down as an undue burden on the fundamental right to vote.

We have recently learned about the troubling role played by partisan political appointees at Alberto Gonzales’s Justice Department in clearing the Georgia photo ID law. According to press reports, the career staff at the Justice Department made a recommendation to object to the Georgia photo ID law because they believed it would have a discriminatory impact on minority voters. But the career employees at the Department of Justice were overruled by the political appointees of the President and Alberto Gonzales.

One of these political appointees, Bradley Schlozman, was rewarded by receiving a U.S. attorney appointment in Kansas City, MO—job well done for Mr. Schlozman. He went to Kansas City and decided he would continue to pursue the Karl Rove strategy of voter fraud. By any objective measure, Mr. Schlozman was unqualified to be a U.S. attorney. As he testified earlier today at a Senate Judiciary Committee hearing, Mr. Schlozman had never worked as a prosecutor and never even tried a case. But by embracing this phantom voter strategy of Karl Rove in Georgia, Mr. Schlozman earned his stripes and was promoted. In the eyes of Karl Rove, Kyle Sampson, and Monica Goodling, he was a “loyal Bushie.”

I was proud to cosponsor a resolution in 2005 by my colleague, Senator OBAMA. The resolution condemned the Justice Department’s approval of the Georgia photo ID law and expressed the sense of Congress that requiring a

photo ID in order to vote places a discriminatory burden on voting rights. The McConnell amendment is an attempt to impose the Georgia photo ID law on America. This measure was debated and defeated in 2002 when we enacted the Help America Vote Act. It should be defeated again now.

I realize the photo ID requirement was proposed a few years ago by a bipartisan commission. But since that commission report was issued, new research conducted for the bipartisan Election Assistance Commission has shown that photo ID requirements reduced turnout in the 2004 election by 3 percent. It showed that with voter ID requirements, Hispanics were 10 percent less likely to vote and African Americans 6 percent less likely. Is that what we should do in Congress—create barriers for minorities to vote?

The McConnell amendment is unfair and unconstitutional. I urge my colleagues to oppose it.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time until 7:20 this evening be for debate to run concurrently with respect to the McConnell amendment No. 1170 and the Feingold amendment No. 1176, with the time equally divided and controlled between Senators MCCONNELL, FEINGOLD, or their designees; that no amendment be in order to either amendment prior to the vote; that each amendment must receive 60 affirmative votes to be agreed to; that if they do not receive 60 affirmative votes, then the amendment be withdrawn; that the amendments be voted in the order listed in this agreement; and that there be 2 minutes equally divided prior to the second vote and that the second vote be 10 minutes in duration.

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

Mr. REID. I ask unanimous consent that when the Senate resumes consideration of S. 1348 tomorrow, June 6, there be 2 hours of debate equally divided and controlled between Senators KENNEDY and CORNYN or their designees, with the time to run concurrently on the Cornyn amendment No. 1184, as modified, and a Kennedy amendment relating to the same subject, with no amendments in order to either amendment prior to the vote; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Kennedy amendment, to be followed by a vote in relation to the Cornyn amendment, with 2 minutes of debate equally divided prior to the second vote, and with the above occurring without further intervening action or debate.

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

Mr. REID. I would hope this would set the process in order that we can work through all these amendments. The staffs have been working, lining up other amendments, for votes on those.

This is the third time now I have asked for a list of finite amendments. We hope they will be germane amendments but finite amendments. We will see if we can have a period of time that we ask for those. When that time arrives, those would be all the amendments that would be available on this bill. We have done that on many previous occasions. I hope it works.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, a group of Senators who constructed this bill have been meeting and are trying to follow the plan that the majority leader has just articulated. We would ask the cooperation of all those who have amendments to be in a position to move promptly tomorrow with time agreements to see if we can’t show sufficient progress tomorrow to see the light at the end of the tunnel.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1176

Mr. FEINGOLD. Mr. President, I urge my colleagues to support amendment No. 1176. This amendment contains the language of S. 621, the Wartime Treatment Study Act, a bipartisan bill I have introduced with my friend from Iowa, Senator GRASSLEY.

This amendment would create two fact-finding commissions: one commission to review the U.S. Government’s treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. Government’s treatment of Jewish refugees fleeing Nazi persecution during World War II. This amendment would help us to learn more about how recent immigrants and refugees were treated during World War II.

The United States fought a courageous battle against the spread of Nazism and fascism. But we should not let justifiable pride in our Nation’s triumph in World War II blind us to the treatment of some Americans by their own government.

Many Americans are aware that during World War II, under the authority of Executive Order 9066 and the Alien Enemies Act, the U.S. Government forced more than 100,000 ethnic Japanese from their homes and into relocation and internment camps. Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this unfortunate episode in our history finally received the official acknowledgment and condemnation it deserved.

But that same respect has not been shown to the many German Americans, Italian Americans, and European Latin Americans who were taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps. This amendment would simply create a commission to review the facts and circumstances of the U.S. Government’s

treatment of German Americans, Italian Americans, and other European Americans during World War II. It is time for a full accounting of that sad chapter in our history.

A second commission created by this amendment would review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide and tried to come to the United States. German and Austrian Jews applied for visas, but the United States severely limited their entry due to strict immigration policies, policies that many believe were motivated by fear that our enemies would send spies under the guise of refugees and by the unfortunate antiforeigner and anti-Semitic attitudes that were, sadly, all too common at that time.

It is time for the country to review the facts and determine how our immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany.

It is urgent that we pass this legislation. We cannot wait any longer. The injustices to European Americans and Jewish refugees occurred more than 50 years ago. Many of those who were harmed are no longer with us, the rest are very elderly.

Americans must learn from these tragedies now, before there is no one left. These people have suffered long enough without the comfort of an official, independent study of what happened to them, and without knowing that this Nation recognizes their sacrifice and resolves to learn from the mistakes of the past.

This amendment does not call for reparations. All it does is ensure that the public has a full accounting of what happened. I urge my colleagues to join me in supporting the bipartisan Wartime Treatment Study Act as an amendment to this immigration legislation.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

AMENDMENT NO. 1170

Mr. MCCONNELL. Mr. President, as we move forward on this immigration bill, we need to make sure we protect voters and the 15th amendment by protecting against illegal voting. The Constitution maintains that voting is a privilege reserved for U.S. citizens. Noncitizens do not have this right. Those who don't abide by our laws are not free to influence our political process or our policies with a vote.

The bipartisan Carter-Baker Commission on Federal Election Reform proposed requiring photo ID cards to ensure those who are voting are the same people as those on the rolls and that they are legally entitled to vote.

Photo IDs are needed in this country to board a plane, to enter a Federal building, to cash a check, even to join a wholesale shopping club. If they are required for buying bulk toothpaste, they should be required to prove that somebody actually has a right to vote.

Some have said this legislation penalizes those who are unable to afford a photo ID. In fact, it establishes a grant program to provide no-cost photo IDs to those who cannot afford them.

ID cards would reduce irregularities dramatically. In doing so, they would increase confidence in the system. An overwhelming majority of Americans support this attempt to ensure the integrity of our elections.

An NBC News-Wall Street Journal poll, last year, showed that 62 percent of respondents strongly—that is strongly—favor requiring a universal, tamperproof ID at the polls. Nineteen percent said they mildly favor IDs. Twelve percent were neutral.

Add that up, and you have over 80 percent who think this is a good idea. America is very accustomed to showing a photo ID to do virtually anything.

Ninety-three percent of those who were asked for their opinion were either undecided or in favor of implementing the control, as I indicated.

Two dozen States already require some form of ID at the polls. That is 24 of our States. Almost half of them already have this requirement.

My amendment simply establishes a Federal minimum standard that is consistent and allows States wide flexibility in determining the kind of ID required.

We need to harden antifraud protections at the polls to protect the rights of all voters. Voting is the cornerstone of our democracy, and we must preserve its integrity.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. OBAMA. Mr. President, this week, the Senate is debating how to reform our Nation's immigration policies, and while this is a contentious debate, there is one point I think all sides agree upon—U.S. citizenship is a prized possession. The most fundamental right afforded to us as U.S. citizens is the right to vote. I am disturbed that there is an amendment being offered on this bill that seeks to limit citizens' access to that right.

Senator MCCONNELL has offered an amendment that requires U.S. citizens to show identification before they can exercise the most important right afforded them by the U.S. Constitution. Proponents of this bill argue that this identification is necessary to combat voter fraud. In fact, before the last elections in 2006 we heard a great deal about the threat of voter fraud.

This administration staked a lot on that so-called threat. We have learned in recent months that such a threat just did not exist. The St. Louis Post-Dispatch said it best, when, in an April 17, 2007 editorial, the paper called this whole "voter fraud" issue a "snipe hunt": "In a snipe hunt, gullible kids are taken out to the woods, handed sticks and gunny sacks and told track down the elusive snipe. Meanwhile, their pals, who know a snipe is a bird

of marsh and shore and generally found nowhere near the woods, yuck it up."

Well, in this snipe hunt, the Senate is supposed to fall prey to the ruse that there are folks out there just lining up on election day to fraudulently cast their vote and we in the Senate and in Congress need to get our sticks and gunny sacks ready, so we can snare some of these fraudulent voters. Well, let me tell you, I am not going to fall for it.

Because the facts say something different. A 5-year study by the Election Assistance Commission shows that voter fraud is almost non-existent. A report from the Missouri Secretary of State shows that no one in the State tried to vote with a fake ID in 2006. The Carter-Baker commission said that in 2002-2004 fraudulent votes made up .000003 percent of the votes cast. That is a lot of zeros. Let me say it a different way. Out of almost 200 million votes that were cast during these elections, 52 were fraudulent. To put that into some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

The Department of Justice, which in 2002 created a voter fraud task force, has admitted that only 86 people were convicted of voter fraud-related crimes in the last 5 years and only 24 convictions during the last 3 years—a rate of 8 per year.

So, because 24 people nationwide in the last years may have voted despite their ineligibility to do so, we here in the Senate are supposed to pass a bill requiring all citizens to show ID when they vote.

That would be a mistake, and you only have to look to the State of Georgia to see why.

Georgia's photo ID requirement was a poll tax for the 21st century. It was a law that required some of the poorest in our country—those who probably don't have access to transportation—to possibly travel great distances and pay up to \$35 just for the privilege of making their voice heard.

We have to remember this is a group that is disproportionately poor and without easy access to all the documents necessary for a government-issued ID. So even if this ID card were completely free, how easy would it be for an 85-year-old grandmother to find her birth certificate? Who would drive the destitute all the way to the nearest Federal building to get one of these cards? While the McConnell amendment authorizes "such sums as may be necessary" to pay for these ID cards, it is a frightening proposal to condition the right to vote on the appropriations process.

After Hurricane Katrina ravaged the gulf coast, our country awakened to the plight of the most vulnerable Americans—the ones who, when the storm hit, couldn't just hop in their SUVs, fill up with \$100 worth of gas, put some bottled water in the trunk, drive off with their credit card in hand,

and check into the nearest hotel until the calamity passed. We learned that, when we pass laws and make policy in this country, our government too often forgets these Americans—that we too often ignore their needs.

Now, here is an amendment doing that again. This time, by limiting access to one of our most fundamental and constitutional-protected rights: the right to vote.

I would ask that all my colleagues reject the amendment so we can move on to the important business at hand.●

Mr. KENNEDY. Mr. President, I oppose the amendment of the Senator from Kentucky. The McConnell amendment would limit the ability of many American citizens to exercise the fundamental right to vote. It is nothing more than a 21st century poll tax.

The 24th amendment states that “The right of citizens of the United States to vote . . . shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”

This amendment would force all citizens to obtain a government-issued photo ID in order to vote. Many citizens who have voted for years don’t own the government-issued photo identification needed to meet the requirement. They would have to pay for the ID or at least for the underlying documents needed to get one.

Among the persons who will be hardest hit are the elderly, minorities, and persons with disabilities. That is who this amendment is targeting.

Many seniors don’t have photo ID because they don’t need a driver’s license. But they should still have the right to vote.

Many Americans who are blind or have other disabilities also don’t have a photo ID because they don’t have driver’s licenses either. But they should still have the right to vote.

Some religious minorities, such as the Amish, want to vote, but their faith does not allow them to have their pictures taken. We should never require citizens to violate their religious beliefs or to pay to cast a vote.

Many African Americans, Latinos, and Native Americans also lack photo ID. Under this amendment, these citizens would lose the right to vote if they don’t get a government-issued photo ID.

Some citizens in this country were never issued a birth certificate, particularly African-American seniors born in the South or rural areas and Native Americans. If we pass this amendment, we turn our backs on them.

Many voters had their lives devastated by Hurricane Katrina. What about them? What about the elderly grandmother displaced by Hurricane Katrina who lost all of her possessions in the hurricane and now lives hundreds of miles from her birthplace and home? If she doesn’t drive, how is she going to get the documents she needs to vote under this amendment? If she is

retired or lost her job because of the storm, she may not be able to afford the documents. Separated from her family and neighbors, she may not have anyone to help her fill out the forms and get to the right government agencies to obtain the documents she needs.

This country failed the victims of Hurricane Katrina. Are we going to disenfranchise them as well?

Supporters of the amendment say, “Don’t worry. Under this amendment, States will give out free identification cards to those who can’t afford them.” That sounds good in theory, but what about in practice? Citizens will still have to deal with State and local bureaucracies to prove who they are.

Poll taxes have a dark and notorious history in this country. When we considered a poll tax ban in the 1965 Voting Rights Act, poll taxes were a tried-and-true tactic to prevent African Americans and poor whites from voting. I introduced an amendment to the 1965 act to ban poll taxes in all elections—Federal, State, and local. We had days and days of debate on the Senate floor about poll taxes. Not everyone agreed on how to fix the problem. The final amendment made clear that poll taxes infringe the right to vote and directed the Attorney General to challenge them in court.

A year later, in *Harper v. Virginia Board of Elections*, the Supreme Court held that poll taxes are unconstitutional. The Court declared that “the right to vote is too precious, too fundamental to be so burdened or conditioned” on the ability to pay.

We thought that poll taxes and other blatant barriers to the right to vote were vestiges of a bygone era. But today, Republican-controlled State legislatures around the country are attempting to enact photo identification laws.

Federal and State courts have already struck down State laws similar to the McConnell amendment. In Georgia, a Federal court has stopped two different attempts to impose a photo identification requirement. Judge Murphy ruled the first an unconstitutional poll tax because of the cost that hundreds of thousands of Georgians without photo identification would have to pay to obtain them.

The State’s second attempt made the IDs free, just as this amendment supposedly does, but it was still struck down as unconstitutional. The court held that Georgia’s interest in combating non-existent voter fraud didn’t justify the “severe burden” on voters without photo identification who would have to get through several layers of bureaucracy to obtain the documents required. A State court also ruled that the Georgia law violated the State constitution because it disenfranchised citizens who were otherwise qualified to vote.

A similar proposal recently was struck down in Missouri. The judge spelled out the problem loud and clear.

For some, he said, the burden of a photo ID requirement may not seem great. But “for the elderly, the poor, the undereducated, or otherwise disadvantaged, the burden can be great if not insurmountable, and it is those very people . . . who are the least equipped to bear the costs or navigate the many bureaucracies necessary to obtain the required documentation.”

Supporters of this modern-day poll tax claim it is just common sense. “What’s the big deal?” they ask. After all, if you need a photo ID to get on a plane or rent a movie or drive a car, it is only reasonable to require such an ID to vote.

But voting is a right in this country and not simply a privilege. We need to restrict who can get on a plane or drive a car, but we should never restrict the precious right to vote. As Judge Callahan put it in the Missouri case, “While a license to drive may be just that—a license and not a right, the right to vote is also just that—a right and not a license.”

When proponents of this amendment stand up to explain why America needs this legislation, listen carefully. During the floor debate on a similar proposal in the House, the amendment’s Republican supporters strained to convince us that we have a major problem because noncitizens and others are posing as eligible voters. But they couldn’t give us any evidence.

The fact is, voter fraud simply isn’t a major problem. It certainly isn’t a serious enough problem to justify disenfranchising Americans on a massive scale—which is exactly what this proposal would do.

Proponents of this 21st century poll tax have no evidence that it is needed because all the facts show it is not needed. Here is what the hard evidence tells us about voter impersonation in this country:

A recent article in the New York Times found that voter fraud is exceedingly rare. It found that, over a 5-year-period, the Justice Department, despite focusing its effort on prosecuting individuals for voter fraud, a top priority of Karl Rove, “turned up virtually no evidence of any organized effort to skew federal elections” through fraudulent voting. There have been only 86 convictions nationwide. That is less than 90 instances of anyone voting who wasn’t supposed to vote in the entire country in 5 years. In addition, according to the article, many of these people, voted or registered to vote by mistake, without knowing they were not eligible.

Statewide surveys in Ohio after the 2002 and 2004 elections found only four instances of ineligible persons voting or attempting to vote—four out of over 9 million votes cast during those elections. That is a rate of 0.00004 percent.

In Georgia, where state legislators cited voting fraud as the need for a photo ID law, secretary of state Cathy Cox could recall only one case of voter fraud involving the impersonation of a

registered voter during her 10 years of service.

Out of nearly 200 million votes cast since 2002, only 86 individuals nationwide have been convicted of election fraud. And many of those offenses involved conduct that would not be remedied by a photo identification requirement.

The evidence also makes very clear that this proposal would disenfranchise millions of citizens who are eligible to vote.

A University of Wisconsin study found that in Milwaukee nearly 50 percent of African-American and Latino men did not have government-issued photo identification.

According to AARP, 36 percent of voters in Georgia over the age of 75 don't have government-issued photo identification.

Georgia Secretary of State Cox found that nearly 700,000, or 1 in 7, registered voters in Georgia do not have a driver's license or State-issued non-driver's license, which this amendment would require in order to vote.

According to the Department of Transportation, 6 to 12 percent of eligible voters do not currently have the identification the amendment would require.

The American Association of People with Disabilities estimates that nearly 4 million Americans with disabilities would be disenfranchised if this proposal takes effect.

Native Americans living on tribal lands, often without street addresses and with traditions that don't permit the taking of their picture, would also be disenfranchised by this law.

The Center on Budget and Policy Priorities estimates that 11 million U.S.-born citizens do not have a birth certificate or passport readily available to them and therefore could be disenfranchised under this amendment. The burden falls unequally on some geographic regions as well as on our most vulnerable populations:

It hurts the elderly—some 2.3 million elderly Americans lack the required documents.

It hurts rural residents, since approximately 4.5 million rural Americans lack the documents necessary to establish their citizenship.

It hurts citizens living in the South and Midwest—8.4 million residents of Southern and Midwestern States don't have the documents this amendment would require to vote.

It hurts the poor—nearly 3 million citizens making less than \$25,000 a year lack a passport and birth certificate.

It hurts African Americans—2 million African Americans lack a passport and birth certificate. Many elderly African Americans have no birth certificate because they were born at home at a time when hospitals were closed to African Americans because of racial discrimination. One study estimates that a fifth of all African Americans born in 1939 and 1940 were never issued birth certificates.

Under the Bush administration we are running historic deficits and our debt is mounting. We can't afford the cost of a program designed to fight a nonexistent problem.

At a time when Americans have serious concerns about the proper functioning and integrity of voting machines, the Republican Party responds with a solution in search of a problem. They want to pass a law that threatens to disenfranchise millions of eligible voters. To those who were disenfranchised in the 2000 and 2004 elections by wrongful purges, erroneous registration lists, poll worker errors, uncounted provisional ballots, of long lines, this is our answer?

If the Senator from Kentucky is serious about election reform, we stand ready to work together. But it is cynical to take such a serious and important issue, so fundamental to democracy, and use it for partisan politics.

Last July, Congress reauthorized the Voting Rights Act with broad bipartisan support. The reauthorization passed overwhelmingly in the House and by a unanimous vote in the Senate. Republicans and Democrats came together to tear down barriers to the ballot box.

Now some on the other side of the aisle want to erect new barriers to voting by telling Americans they need a passport to vote. If we adopt this amendment, we undermine the Voting Rights Act's important protections. This amendment would disenfranchise many of the same voters we tried to protect with that historic legislation last year.

Mr. President, that is unfair, undemocratic, and unconstitutional. I urge my colleagues to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin has 1 minute 37 seconds. The Republican leader has 2 minutes 7 seconds.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I assume we will not have the time before the vote, then. This is the remaining time we have, correct?

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. FEINGOLD. I thank the Presiding Officer.

Mr. President, my amendment, again, contains the language of S. 621, the Wartime Treatment Study Act, a bill I have introduced with my friend from Iowa, Senator GRASSLEY. It is not controversial.

It would simply create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

These commissions would complete the work of the Commission on War-

time Relocation and Internment of Civilians, created by Congress in 1980 to study the relocation and internment of Japanese Americans during World War II. Thanks to that commission, this unfortunate episode in our history finally received the official acknowledgement and condemnation it deserved.

My amendment would simply allow that work to be completed. It is time to pass this legislation, now, before all the individuals affected by these policies are gone. I urge my colleagues to support the amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The time for the Senator from Wisconsin has expired.

Mr. REID. Mr. President, is the time up?

The PRESIDING OFFICER. There is 1 minute 41 seconds left of the Republican leader's time.

Mr. REID. Mr. President, I ask unanimous consent that we start the vote now.

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

VOTE ON AMENDMENT NO. 1170

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1170.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 41, nays 52, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—41

Alexander	Craig	Hutchison
Allard	Crapo	Inhofe
Bennett	DeMint	Isakson
Bond	Dole	Kyl
Bunning	Domenici	Lott
Burr	Ensign	Lugar
Chambliss	Enzi	Martinez
Coburn	Graham	McConnell
Cochran	Grassley	Roberts
Coleman	Gregg	Sessions
Corker	Hagel	Shelby
Cornyn	Hatch	

Smith Stevens Vitter  
Specter Thune Warner

## NAYS—52

Akaka Harkin Nelson (NE)  
Baucus Inouye Pryor  
Bayh Kennedy Reed  
Bingaman Kerry Reid  
Boxer Klobuchar Rockefeller  
Brown Kohl Salazar  
Byrd Landrieu Sanders  
Cantwell Lautenberg Schumer  
Cardin Leahy Snowe  
Carper Levin Stabenow  
Casey Lieberman Sununu  
Clinton Lincoln Tester  
Collins McCaskill Voivovich  
Conrad Menendez Webb  
Dorgan Mikulski Whitehouse  
Durbin Murkowski Wyden  
Feingold Murray  
Feinstein Nelson (FL)

## NOT VOTING—6

Biden Dodd McCain  
Brownback Johnson Obama

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 52. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mrs. CLINTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 1176

The PRESIDING OFFICER. There will be 2 minutes equally divided prior to the vote with respect to the Feingold amendment.

Who yields time? The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, my amendment contains the language of S. 621, the Wartime Treatment Study Act, which is a bill I have introduced with my friend from Iowa, Senator GRASSLEY. It is noncontroversial.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senator from West Virginia is correct. Will the Senate please be in order. Will Senators and staff take their conversations out of the Chamber so the Senator can be heard.

Mr. BYRD. Mr. President, the Senator is about to speak. Other Senators should listen. So I will stand right here until we get order. May we have order in the Senate?

Mr. FEINGOLD. Mr. President, I thank the Senator from West Virginia.

Mr. BYRD. Look at the people up there. There are people up there. They ought not be in that well when there are votes going on. Read your rule book. Come on.

The PRESIDING OFFICER. The President pro tempore is correct.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I again thank the Senator from West Virginia.

This bill would simply create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and

another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II.

These commissions would complete the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980 to study the relocation and internment of Japanese Americans during World War II. Thanks to that commission, this unfortunate episode in our history finally received the official acknowledgment and condemnation it deserved. My amendment would simply allow that work to be completed. It is time to pass this legislation now before all of the individuals affected by these policies are gone. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, there are two problems with the legislation, as detailed in a 5- or 6-page memorandum from the Department of Justice, Richard Hertling, the principal Deputy Assistant Attorney General who opposes this legislation. First, it falsely asserts in the findings matters that slander America incorrectly. It finds that thousands of individuals were subjected to devastating violations of civil rights through arrest, internment, property confiscation, deportation, and detrimental effects still being experienced; whereas, the Department of Justice asked the senior historian at the U.S. Holocaust Museum about this language and he found that language was outrageously exaggerated and was inaccurate.

That is in the legislation. When asked would Senator FEINGOLD accept an amendment that prohibited reparations—and reparations have been done in some of these cases—that language was not accepted.

The PRESIDING OFFICER. All time has expired. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Wisconsin.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 67, nays 26, as follows:

[Rollcall Vote No. 185 Leg.]

## YEAS—67

Akaka	Gregg	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bingaman	Hutchison	Reid
Boxer	Inouye	Roberts
Brown	Isakson	Rockefeller
Burr	Kennedy	Salazar
Byrd	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shelby
Carper	Landrieu	Smith
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coburn	Levin	Stabenow
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Thune
Dorgan	McCaskill	Voinovich
Durbin	Menendez	Webb
Feingold	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Graham	Murray	
Grassley	Nelson (FL)	

## NAYS—26

Alexander	Craig	Kyl
Allard	Crapo	Lott
Bennett	DeMint	Martinez
Bond	Dole	McConnell
Bunning	Domenici	Sessions
Chambliss	Ensign	Stevens
Cochran	Enzi	Vitter
Corker	Hatch	Warner
Cornyn	Inhofe	

## NOT VOTING—6

Biden Dodd McCain  
Brownback Johnson Obama

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 26. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we are working in good faith to move this bill forward. We had seven rollcall votes before the recess and six additional amendments adopted by voice vote. That is 13. Yesterday, we adopted four more amendments by voice vote. Today, we had four rollcall votes. Tomorrow morning, we will vote on the Cornyn-Kennedy amendment, eligibility for legalization program, and then we are prepared to enter a unanimous consent agreement for the 10 remaining amendments that are pending. We have done quite well. We will have done 23 rollcall votes when we finish these 3 tomorrow, and we adopted 10 by voice vote. I know the staff has been working on this for some time now. I hope we can work out an arrangement to get rid of the pending amendments and move on to other amendments people talked about all day they want to offer. I think that is appropriate.

Tonight, we are going to, because we agreed to lay down a Domenici amendment and one I am going to offer dealing with earned-income tax credit—those will be the two amendments we are going to lay down tonight. Anyway, somebody else is going to do it. There are two amendments we are going to lay down tonight, so we will have two more that will be pending tomorrow,

and I hope we can arrange votes on those amendments. Once we finish those amendments, I hope other Senators will offer amendments. I hope they will consider some germane amendments.

In addition to the amendments that are pending, we have a number of amendments that are at the desk, I understand, and we have taken a look at those, and maybe we can work something out on those amendments.

This is a difficult bill, we understand that. I hope the offers I made today are considered serious. I repeat, I am not going to go through the litany of amendments, the unanimous consent requests. One is we would vote cloture—rather than Thursday morning, do it Thursday night. That is certainly something we could consider. Anyway, there are all kinds of alternatives we can do to move this bill forward if people want to do that.

As I said, there is no need to run through the unanimous consent requests I did previously. We will call it quits for the night. There is no more business on this bill.

Mr. President, I ask, so the managers don't have to stay around—I wonder if we can move to a period for morning business.

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

Mr. REID. That way, the Senator from Alabama can speak, and I would certainly consent to, when we take up the bill tomorrow, his remarks appearing as though we are working on the pending legislation.

Mr. SESSIONS. I am sorry, I did not hear the majority leader.

Mr. REID. I asked unanimous consent that there be a period for morning business. I know the Senator from Alabama wishes to speak. I assume it is on matters dealing with immigration.

Mr. SESSIONS. Mr. President, with regard to that, I have amendments I offered last Thursday and Friday and Monday that were not accepted. I was going to ask if those amendments could be made pending in addition to the nine amendments which were filed this week which I would like to make pending so we can have votes on them.

Mr. REID. I withdraw my consent for morning business, Mr. President. I think we have a couple of amendments that are part of the 10 we are going to try to get rid of tomorrow.

Mr. SESSIONS. Mr. President, for clarification, two amendments are basically the same amendment. We would only vote on one pending that I offered last week. In addition, last week, I filed two more amendments, and an objection was made to making them pending. So I renew my offer to at least make those two amendments pending. I filed them this morning.

Mr. REID. I say to my friend from Alabama, I think we have made a suggestion, and it is appropriate to move forward, that with regard to the 10 or 12 amendments now pending, we will set up times to vote on these, either by motions to table or if we can work out side-by-sides, whatever it takes, and then move to other amendments.

Certainly, the Senator from Alabama has been patient. We understand he has other amendments he wants to offer. But I object at this time until we get some plan for tomorrow to dispose of these amendments we have.

I have indicated a number of different alternatives, and others may come up with better suggestions. One is, let's get a list of finite amendments from the minority. We will add ours in with those, and we have done that on a number of occasions here. It will have to be done by unanimous consent, but it is worth a try. We can have a list of how many amendments people think are appropriate on this bill. Let's see if we can get that done by tomorrow morning.

We know the Senator from Alabama has a number he wishes to make part of that list, and other Senators have amendments they want to make part of that list. I have seen Senator THUNE, Senator DEMINT, and Senator COBURN here. There are other people who want to offer amendments, I understand, but let's get a finite list of who wants to offer amendments and what the amendments are.

Mr. SESSIONS. Mr. President, I take that as an objection to my request.

Mr. REID. Yes, I did object. I am sorry I didn't make it clear.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Would the majority—

The PRESIDING OFFICER. The majority leader controls the time.

Mr. REID. We are on the bill still; is that right?

The PRESIDING OFFICER. Yes, we are.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the substitute amendment No. 1150 to Calendar No. 144, S. 1348, comprehensive immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 144, S. 1348, Comprehensive Immigration legislation.

Harry Reid, Jeff Bingaman, Dick Durbin, Charles Schumer, Daniel K. Akaka, Jack Reed, Mark Pryor, Joe Biden, Amy Klobuchar, Daniel K. Inouye, Herb Kohl, H.R. Clinton, Evan Bayh, Ken Salazar, Debbie Stabenow, Frank R. Lautenberg, Joe Lieberman.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

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

The junior Senator from Alabama is recognized.

#### IMMIGRATION

Mr. SESSIONS. Mr. President, I appreciate the role of the majority leader. I have great affection for the majority leader. He is an effective leader for his agenda. But with regard to what is happening now, we need to fully understand that by utilizing the ability he has as a leader and as other members of his party—they have objected to calling up amendments and making them pending. When you object to making an amendment pending, all you have is a filed amendment. And when you file cloture, amendments that are not pending are not entitled to be voted on.

So, in effect, we are at the mercy of the majority leader. He has not allowed a full and vigorous offering of amendments and votes on those amendments. I know people can sometimes ask for too many votes and abuse the process, but we really are dealing with a monstrous bill that is very complex and has a loophole here and a loophole there that can place the bill in such a situation that it really is not enforceable and will not work, and there are a host of problems, a host of loopholes in the bill. This bill has been moving forward to passage under the railroad system we have here.

Let me remind everybody how it happened. First, 2 weeks before we had our recess, the old bill, last year's bill that the House refused to even take up, was brought up without committee hearings this year and brought up by the majority leader under rule XIV for consideration and debate. So about a week goes by, and then come last Tuesday before our recess, Tuesday morning, he plops down on this floor an amendment but really a complete substitute. If put in proper bill language, it would probably be nearly a thousand pages. It is a substitute, a bill never seen before, a bill—except maybe a few days by people who got their hands on it—a bill that has never gone through committee was put down, and the majority leader indicated he wanted to vote on it that week and we were going to have

a vote on Friday, and there is was a lot of push back. He agreed to put it off.

We only had a few votes last week. We didn't vote last Friday. We didn't have the bill up even on Monday. So for only 3 days the week before the recess, we were engaged with actual amendments on this legislation. Then we come back, and on Monday of this week, we had a few Senators show up, no votes, and a few of us talked a little bit, and that was it. So nothing was done Monday. I recall I did offer to bring up amendments and asked to bring up amendments and make pending amendments last Thursday, last Friday, and Monday of this week.

I just want to say that we are not moving in a legitimate way. This was a completely new bill which was offered as a substitute to last year's bill. Senator SPECTER, the ranking Republican on the Judiciary Committee, who supports this legislation, said in retrospect we should have gone to committee with it. I say that would have helped to have had a little bit of sunshine on it. But as we examine the bill in more depth, as we look at it more closely, what we see is that as sunlight falls on the mackerel, it begins to smell more and more, I have to tell you.

As it was promoted to me by the White House talking points and by Senators who thought it was a good piece of legislation, I had some belief that it could be progress over last year. Indeed, I thought there was a real potential to make a bill this year that I could support and with which we could make progress. But as we have examined it, it fails to meet the promises that were contained in those principles set forth as they were writing up the bill. It just does not. It does not have good enforcement. It does not. The trigger mechanism that guarantees enforcement before amnesty is weak and ineffectual. The shift to merit-based, skill-based immigration is ineffectual, and it puts off for 8 years, and we have people offering amendments to weaken that even further. So those were good principles that were stated but did not become reality.

I saw part of the debate on the TV in the cloakroom a few minutes ago and people were saying this is going to make the country safe, and we need to pass it because it is going to make us safe. Well, let us talk about some of the loopholes that are in this legislation still. I have listed 20. I think we probably have a lot more than that which we could have listed, but I will share some of the weaknesses.

This is as a result of the fact that individuals in the U.S. Border Patrol were not consulted in how to write the bill. If they had been consulted, some of these weaknesses wouldn't have been here. It is interesting, however, that some of these weaknesses were pointed out and complained of, but the drafters refused to listen. Why not?

For example, loophole No. 5: Legal status must be granted to illegal aliens

24 hours after they file an application—must be granted legal status—even if the alien has not yet passed all appropriate background checks.

Last year, the bill called for 90 days to complete the background checks. Yes, some aspects can be completed within a few minutes or a few hours, but a lot of things cannot. What if the person is named John Smith? There are a hundred John Smiths. How are you going to check those? A thousand John Smiths. I think this is a weakness.

In fact, the Border Patrol experts who called a press conference yesterday raised that particular point in a number of ways. Kent Lundgren, the national chairman of the Association of Former Border Patrol Agents, was contemptuous of the bill and said there are "no meaningful criminal or terrorist checks" in the bill. He said, "There is no way records can be done in 24 hours."

Jim Dorcy, an agent with 30 years experience, and who has also moved up to inspector general of the Department of Justice, said: "24-hour check is a recipe for disaster."

Then he went on to say, "I call it the al Qaeda Dream Bill." That was from a TV program I happened to catch last night on C-SPAN, a National Press Club presentation by a group of former Border Patrol officers, and I am going to quote from them a little more in a minute.

Look at loophole No. 7. They say this bill will make us safer, but under the bill that is before us today, illegal aliens with terrorism connections are not barred from getting amnesty. An illegal alien with terrorist connections is not barred from getting amnesty. An illegal alien seeking most immigration benefits normally would have to show "good moral character."

For all its flaws, last year's bill specifically barred aliens with terrorism connections from being able to meet the definition of "good moral character." How simple is that? And from being eligible for amnesty. But this year's bill does neither. This is another example of a provision in this year's bill that make it weaker than last year's bill, and I am finding this more and more.

We were told this bill was much better than last year's bill. I even told people that I think this is going to be a better bill than last year's. I am interested in what is contained in it. But repeatedly I am finding provisions like this one that indicate this bill is weaker than last year's.

Additionally, the bill's drafters ignored the Bush administration's request that changes be made in the asylum, cancellation of removal, and withholding of removal statutes in order to prevent aliens with terrorist connections from receiving relief. Last year's section 204 of the bill added the new terrorism bars to good moral character.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be given an additional 20 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. SESSIONS. Last year's bill added new terrorism bars to the good moral character requirement and required that an alien prove they have good moral character. Under the Immigration and Naturalization Act, the INA, an illegal alien must have good moral character to receive most of the immigration benefits, such as cancellation of removal from being here illegally.

But according to the current law, the law in effect today, an alien cannot have good moral character if they are habitual drunkards, get the majority of their income from illegal gambling, have given false testimony for immigration purposes, have been in jail for 180 days, have been convicted of an aggravated felony, or have engaged in genocide, torture, or extrajudicial killings. Those are some of the things that bar you from good moral character. This year's bill, however, is completely missing these new terrorism bars, and the bill no longer requires good moral character as a prerequisite to amnesty.

I wonder what this tells us about the mindset of the people who are actually putting the pencil to paper and drafting this legislation. Surely our Senators didn't fully understand it. But I have to say I am particularly troubled, because the Bush administration, as much as they have wanted a bill that would be exceedingly generous to immigrants, wanted this language strengthened, and the committee, the group that wrote the bill, rejected their request, which is hard for me to believe.

Additionally, during the course of the negotiations, the Bush administration requested that language be added to the bill to make sure that terrorism bars kept aliens from being granted asylum, cancellation, and the withholding of removal. Those requests should have been included and they were not. So one of the amendments I want to see voted on would be to restore the bars—the same or similar language we had in last year's bill that they took out over the objection of the administration.

Another example of a weakness in our provisions is some aggravated felons who have sexually abused a minor will be eligible for amnesty under this bill. A child molester who committed the crime of molestation before the bill is enacted is not barred from getting amnesty if their conviction document fails to state the age of the victim. The bill, after someone raised this problem, corrected this problem, but it was only for future child molesters and did not close the loophole for current or past child molesters.

In some States, the sexual abuse of a minor can result in a misdemeanor conviction. Those convictions are not

always considered an aggravated felony for immigration or deportation purposes. This is not an uncommon problem. There have been lawsuits and appeals over this very issue. This is not uncommon.

One study, according to these Border Patrol experts at their press conference yesterday, indicated a report out of Atlanta found that 250,000 of the 12 million illegal aliens here may have been involved in the sexual abuse of a minor. That is a lot of people. Why should we give amnesty and citizenship to those who may have been involved in those kinds of criminal violations? Citizenship in the United States requires good moral character.

We don't have to accept everybody who wants to be a citizen. We don't have to allow anyone who broke into our country to ever become a citizen. If they have broken into our country and are here illegally and they ask for amnesty, we have every right to say you don't get it if you are a child molester or have terrorist connections.

Look at loophole No. 8. This one is a bit amazing, I think, for anyone, and I find it difficult to believe. I am not making this up. This is in the bill on page 289. Instead of ensuring that members of violent gangs, such as MS-13, are deported, the bill will allow violent gang members to get amnesty as long as they renounce their gang membership on their application. It has a question there: Are you a member of a gang? If you said yes, the next question is: Do you renounce your membership? And if you say yes, I renounce my membership, you get to stay and become a citizen. Under this bill, it will not prevent amnesty. On page 289, the bill requires that you list gang memberships.

Why do we allow this? If an illegal alien will be a member of a violent international gang, such as the Mara Salvatrucha 13, the famous MS-13, a violent international gang involved in murders, drugs, and all kinds of crimes, why don't we say that blocks him from being eligible for amnesty under the bill? Now, if they are a citizen, OK, they get to stay in the country. They can be a gang member. But if they are not a citizen and they are here illegally and are petitioning to be given amnesty, I would say they shouldn't be given it. They should be prohibited.

Obviously, the loyalty to these illegal criminal gangs is such that it is contrary to the ideals of American citizenship in which your loyalty is to the United States of America. As Kris Kobach, a former top attorney at the Department of Justice, stated in a Heritage Foundation Web memo, posted after the new substitute bill was introduced, titled "Rewarding Illegal Aliens: Senate Bill Undermines The Rule of Law":

More than 30,000 illegal alien gang members operate in 33 States—30,000 illegal alien gang members operate in 33 States—trafficking in drugs, arms, and people. Deporting illegal-alien gang members has been a top ICE priority.

It is one of the top priorities of the Immigration and Customs Enforcement organization. That is what they do. The Senate bill would end that. I am quoting Mr. Kobach.

To qualify for amnesty, all a gang member would need to do is note his gang membership and sign a renunciation.

I ask again, what kind of mindset is at work here? Is our goal to please every illegal alien, to make sure every illegal alien gets to stay in the country regardless or is it to serve our legitimate national interests? I suggest any immigration bill we pass should serve our national interest. There is nothing wrong with that. Our responsibility is to America, to the people in America. Somehow we have gotten that confused.

There are good people in this body who are more concerned about how not to exclude anybody, to make sure everybody who is here gets to stay. And somehow, some way, through a maneuver or signing a document saying you renounce your gang membership, you will get to stay. It raises serious questions in my mind about how this bill was written.

Let me mention we may have a vote on this, I think tomorrow. This is amazing to me. Aliens who have already had their day in court, those who have been given and received a final order of removal, who have signed a voluntary departure order, or had reinstatement of their final orders of removal—that is they got a delay on their final order of removal and they got a stay—they are eligible for amnesty under the bill.

The same is true for aliens who have made a false claim to citizenship, for those who have engaged in document fraud. More than 636,000 alien fugitives could be covered by this one loophole—page 285 of the bill waives the following inadmissibility grounds. It waives these grounds that would normally be a basis for inadmissibility.

No. 1, "Failure to attend a removal proceeding." You have been released on bail. They said: You are believed to be here illegally. The court hearing is going to be 3 weeks from today. We will release you on your own recognizance. You just sign a document or post a small bail and you show up at the court hearing 3 weeks from today, 2 weeks from today, 2 months from today.

What if they don't show up? What if they didn't show up, they were apprehended, ordered to show up in court and didn't show up—amnesty—OK, that is excluded.

Another category, "Final orders of removal for alien smugglers." If you have been apprehended, you have been ordered removed because you were proven to be involved in alien smuggling, smuggling of other people into our country—coyotes: You are OK. That is OK. You get to stay, too.

"Aliens unlawfully present after previous immigration violations or deportation orders." You have been caught

for previous violations. You have been ordered deported. You are back again. You are excluded and you get to stay. And aliens who have previously been removed—we spend a lot of money. We fly people back to Brazil and Honduras and Indonesia and China. What if they come again? Do they get amnesty, too? Yes, they do.

This language appears to be in conflict with another statute that suggests otherwise. But when you read it, my legal team and I agree that the court would clearly rule that this specific language would be such that those individuals would get to stay in the country.

The list goes on. Loophole No. 10. The talking points we were provided with that indicated this to be a good bill and that we should be supportive of it emphasize that the new bill we have would promote greater assimilation of those who come here to our country and greater English proficiency—both of which I think are good ideas and we need to work on and should be a part of any immigration legislation that is passed. I believe that. However, the bill doesn't do it. Illegal aliens are not required to demonstrate any proficiency in English for more than a decade after they have been granted amnesty.

You have heard people say we are requiring English. We are not requiring it for 10 years. Learning English is not required for illegal aliens to receive the probationary benefits or the first 4-year Z visa or the second 4-year Z visa.

The first Z visa renewal, beginning on the second 4-year visa, requires only that the alien demonstrate an "attempt" to learn English by being "on a waiting list for English classes." Passing a basic English test is required only for a second renewal, the third 4-year Z visa, and then the alien only has to pass the test "prior to the expiration of the second extension of Z status," 12 years down the road.

The bill's sponsors claim they have to learn English before being granted amnesty. That is not true. Nothing in the bill requires the illegal alien to have any English skills before receiving probationary status, before receiving the first Z visa that lasts for 4 years. Only upon filing for renewal of the Z visa up to 6½ years down the road does the illegal alien have to meet any language requirement. At that time, the requirement is fulfilled with the most minimal effort: "Demonstrating enrollment in" or being on a "waiting list for English classes."

Second, when the alien applies for a second Z visa renewal, which would be 8 to 10 years from now, is there any real English requirement. At that time, the alien must "pass the naturalization test." It is common knowledge that the test is not a real English proficiency test—it is not. So there is not an emphasis on English. Even then, it is not clear that passing the test would be required before the second extension of Z visa status is granted. As a matter of fact, on page 295 the bill states that:

. . . the alien may make up to three attempts . . . but must satisfy the requirement prior to the expiration of the second extension of Z visa status.

As the bill is written, there is no real English requirement until 12 to 14 years down the road, and it is not as strong.

I don't know why we are so concerned about that. Is it a pandering? Is it some attempt to please people who are here illegally? Good policy, I submit, the right policy—both for the United States and for those here receiving amnesty—would be to encourage them to learn English sooner rather than later. How long does it take? Twelve years is too long, and I think that is a mistake in the bill.

Mr. President, I see my colleague, Senator KYL here. I will be pleased to yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

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

Mr. SESSIONS. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### LEDBETTER DECISION

Mr. KENNEDY. Mr. President, I urge my colleagues on both sides of the aisle to join in correcting the Supreme Court's decision last week in *Ledbetter v. Goodyear Tire & Rubber Company*. That decision has undermined a core protection of title VII of the Civil Rights Act of 1964, the landmark law against job discrimination based on gender, race, national origin, and religion. Title VII has made America a stronger, fairer, and better land. It embodies principles at the heart of our society—fairness and justice for all.

Americans believe in fair treatment, equal pay, and an honest chance at success in the workplace. These values have made our country a beacon of hope and opportunity around the world. The *Ledbetter* decision undermined these bedrock principles by imposing unrealistically short time limits for employees seeking redress for wage discrimination.

In the case before the Supreme Court, a jury had found that Goodyear Tire and Rubber Company had discriminated against Lily Ledbetter by downgrading her evaluations because she was a woman in a traditionally male job. Year after year, the company used these unfair evaluations to pay her less than her male coworkers who held the same job. The jury was outraged by Goodyear's misconduct and awarded back to Ms. Ledbetter to correct this basic injustice and hold the company accountable.

The Supreme Court ruled against her, holding that she had waited too long to file her lawsuit. It ruled that she should have filed her lawsuit within a short time after Goodyear first decided to pay her less than her male colleagues. Never mind that she didn't know at the outset that male workers were paid more. Never mind that the company discriminated against her for decades and that the discrimination continued with each new paycheck she received.

Requiring employees to file pay discrimination claims within a short time after the employer decides to discriminate makes no sense. Pay discrimination is different from other discriminatory actions because workers generally don't know what their colleagues earn. It is not a case of being told "you're fired" or "you didn't get the job" when workers at least knows they have been denied a job benefit. With pay discrimination, the paycheck comes in the mail, and workers usually have no idea if they are being paid fairly. Common sense and basic fairness require that they should be able to file a complaint within a reasonable time after getting a discriminatory paycheck instead of having to file the complaint soon after the company first decides to short-change them for discriminatory reasons.

The Court's decision in the *Ledbetter* case is not only unfair, it sets up a perverse incentive for workers to file lawsuits before they have investigated whether pay decisions are actually based on discrimination. Under the decision, workers who wait to get all the information before filing a complaint of discrimination could be out of time. As a result, the decision will create unnecessary litigation as workers rush to beat the clock on their equal pay claims.

The Supreme Court's decision also breaks faith with the Civil Rights Act of 1991, which was enacted with overwhelming bipartisan support—a vote of 93 to 5 in the Senate and 381 to 38 in the House. The 1991 act had corrected this same problem in the context of seniority, overturning the Court's decision in a separate case. At the time, there was no need to clarify title VII for pay discrimination claims since the courts were interpreting title VII correctly. Obviously, Congress needs to act again to ensure that the law adequately protects workers against pay discrimination.

It is unacceptable that victims of discrimination are unable to file a lawsuit against ongoing discrimination. Yet that is what happened to Lily Ledbetter. I hope that all of us, on both sides of the aisle, can join in correcting this obvious wrong.

Unfortunately, in recent years, the Supreme Court also has undermined other bipartisan civil rights laws in ways Congress never intended. It has limited the Age Discrimination in Employment Act, made it harder to protect children who are harassed in our

schools, and eliminated individuals' right to challenge practices that have a discriminatory impact on their access to public services. Congress needs to correct these problems as well.

Let's not allow what happened to Lily Ledbetter to happen to any other victims of discrimination. As Justice Ginsburg wrote in her powerful dissent, the Court's decision is "totally at odds with the robust protection against employment discrimination Congress intended Title VII to secure." I urge my colleagues, Republicans and Democrats alike, to restore the law as it was before the *Ledbetter* decision, so that victims of ongoing pay discrimination have a reasonable time to file their claims. The Lily Ledbetters of our Nation deserve no less.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT JAY EDWARD MARTIN

Mr. CARDIN. Mr. President, on May 16, 2007, I attended SSG Jay Edward Martin's funeral. A soldier born and raised in Baltimore, MD, Sergeant Martin lost his life in service to our country. He was 29 years old. I rise today to pay tribute to his life and his sacrifice.

Sergeant Martin and two others were killed Sunday, April 29, when an improvised explosive device detonated near their vehicle during combat operations in Baghdad.

Sergeant Martin was not new to the military. After joining the Army in November 1997, he served for nearly 2 years in Germany and Bosnia. He was then stationed at Fort Irwin in California as an Army recruiter. But as a recruiter, Sergeant Martin grew restless and chose to go to Baghdad. A childhood friend remembers Jay's explanation: "I'm supposed to be fighting for my country; I can't sit in an office." An experienced soldier, Sergeant Martin knew the risks and challenges he would face, and this knowledge makes his decision to serve all the more admirable.

Sergeant Martin had been scheduled for a 2-week break from Iraq in April. But in a selfless move—one that Jay's family describes as typical of his generous spirit—he allowed a fellow soldier whose wife just had a baby to take his place.

Jay is remembered by those who knew him for his determination, bravery, and devotion to service. Jay displayed remarkable leadership, focus, and determination even as he suffered setbacks in his young life. Jay's mother died when he was only 8 years old, but Jay remained focused on his dream of becoming a pilot and joining the military. An aunt, Lori Martin-Graham, recalls that he would talk about military service for hours with her husband, who had served in the Navy.

Sergeant Martin spoke fervently about the importance of college and attended Embry-Riddle Aeronautical University in Daytona Beach, FL. He

left after a year when he realized his poor vision would prevent him from becoming a pilot. Jay moved forward and joined the Army. "Jay was always . . . positive, ambitious," remembered a friend. "He was always your good conscience."

As one of Sergeant Martin's sisters, Lark Adams, put it, "He was just a shining star. He followed the rules. He did what he was supposed to. He was an example to everyone."

After his death, Jay's fiancé Maria Padilla, explained that he would have wanted to see those close to him "laughing because he left us doing what he loved. He left us being the soldier he was so proud of being."

I hope his family and all who loved Jay will find comfort in that image of the proud and selfless soldier who won several awards including the Army Commendation Medal and the Army Good Conduct Medal. But I also hope they find joy in their memories of the young man who devised hide-and-seek strategy with his friends, who was a swim and track star at Forest Park High School, who took such great pride in his Dodge Stratus RT, who played video games in his grandmother's kitchen, and who debated the future of the F-14 with his uncle.

My thoughts and prayers go out to Jay's father Dwight Martin and stepmother Penny Martin; his grandfather Harry Martin; his four sisters, Lark, Dove, Raven and Shannon; his fiancé Maria, and all the other relatives and friends who are bereaved. We honor him as a hero and together mourn his loss.

#### MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On July 7, 2002 in Tampa, FL, Devin Scott Angus attacked Sonny Gonzales and Stephen Hair as the two men were leaving a gay pride event at the Florida Aquarium. Angus allegedly yelled antigay slurs at the men, dropped his pants, and screamed additional obscenities. He then attacked Gonzales and Hair, repeatedly punching and kicking them. Gonzales suffered a gash in his head, while Hair suffered a skull fracture, a cracked sinus, and a broken front tooth. According to reports, Angus' sole motivation was the victims' sexual orientation.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Matthew Shepard Act is a symbol that can become substance. I believe that by passing this legislation

and changing current law, we can change hearts and minds as well.

#### HONORING EARNELL LUSTER

Mr. COLEMAN. Mr. President, every day, millions of American make sacrifices for their families and friends. Yet the man I honor today has made the ultimate sacrifice for neither kin nor kind. Earnell Luster is a former Marine and a great American. As a life-long resident of Minneapolis, MN, he exemplified the role of a Good Samaritan within his community. Mr. Luster sacrificed his own life for the sake of another, and his bravery and courage makes him a hero.

On February 15, 2007, Mr. Luster was walking by an apartment building in south Minneapolis when he came across two women who were being repeatedly beaten by a male attacker. Being the man he was, Mr. Luster could not walk away from what he was witnessing. He sprang into action by demanding the attacker halt his assault upon the women. By doing so, he gave the women enough time to escape their attacker. Tragically, the attacker turned his anger on Mr. Luster and delivered several blows to his head that proved to be fatal. That evening, in an act of true selflessness, Earnell Luster gave his life for another.

His actions that evening exemplify the life he lived. As a well-respected elder in his church and within his community, Mr. Luster lived a life full of joy, duty, and great conviction. His service to the Marines in the mid-1970s demonstrates the strength of his character. Mr. Luster enjoyed life, especially the opportunities that he had to go fishing with his twin brother Earnest.

Earnell Luster's tragic death is evidence that crime can affect each one of us. Our commitment to fighting crime must not ebb and flow with the statistics.

My thoughts and prayers remain with Earnell's twin brother Earnest, his mother Lorraine Scott, and his entire family. Mr. Luster's selfless act of bravery earns him a place in the hearts of Minnesotans and Americans everywhere.

#### TRIBUTE TO SENATOR TED STEVENS

Mr. COLEMAN. Mr. President, I rise to join in this body's hearty congratulations to our colleague from Alaska, Mr. STEVENS, as the longest serving Republican Senator. The remarkable thing about TED STEVENS is not the number of years he has served but the amount of service he has put into those years.

The Founders did a unique thing when they created the Senate. They knew that democracy should both let the majority rule most of the time but also protect minority viewpoints from the tyranny of the majority. They cre-

ated a House of Representatives based on proportional representation. Meanwhile, in the Senate, they gave every State, large and small, exactly two votes. They then went a step further, and created the Senate as a body that operates by consensus. The result is a place where one person with a good idea can impact the entire body.

TED STEVENS is a living embodiment of the wisdom of our Founding Fathers. He is precisely the kind of Senator they hoped for: forceful, persevering, principled and indefatigably devoted to his State's interests.

Alaska is a unique State and Senator STEVENS reflects its style and unlimited potential exceptionally. In every aspect, Alaska is a long, long way from Washington, DC, and its unusual bureaucratic culture. We all benefit from the independent, self-reliant spirit of Alaska that the Senator brings, reminding us of the pioneer heritage of the West. I am personally appreciative of the Senator's hospitality when visiting in his home State. I thought we had "wide open spaces" in Minnesota, but Alaska's are certainly both wider and more open.

When President Abraham Lincoln's Secretary of State, William Seward, finalized the purchase of Alaska, it was thought to be a folly. How blessed we all are as Americans to have its abundant wilderness and natural resources as part of our national experience.

I have found that when people want to learn something really important, they prefer an example to an explanation. As I have tried to learn my way around this institution, Senator STEVENS has been a role model, an example, and a friend. I thank him for his kindness.

But even more I thank him for his service which has made this Nation safer, stronger and freer for all. He makes his great State and all his colleagues proud to say they know TED STEVENS.

#### ADDITIONAL STATEMENTS

##### HONORING NORM GRAYSON

• Mr. ISAKSON. Mr. President, today I honor in the RECORD of the Senate Norm Grayson, an outstanding realtor and a great friend, and to acknowledge a very special occasion.

On June 15, 2007, Norm will celebrate his 40th year in the real estate business and host a barbeque for hundreds of friends in Oconee County. Although I cannot be there in person, it is a privilege to stand in this Senate and honor this tremendous milestone.

Norm and my father Ed were the best of friends. Both men are legends in Georgia real estate. Norm has earned CRS, CCIM, and CRB designations, as well as the Home Builders CBI designation. Among his many achievements, Norm has served as president of the Athens Board of Realtors and the Athens Home Builders Association.

For his outstanding accomplishments and commitment to the highest ethical standards, Norm was named Realtor of the Year by the Georgia Association of Realtors in 1980. The Georgia Association of Realtors also honored him in 1987 with its President's Award and the Athens Board of Realtors recognized Norm in 1996 with its Lifetime Meritorious Service Award.

Norm and his lovely wife Faye are great Georgians and wonderful friends. Norm is a class act who is well loved in work and at home. It gives me a great deal of pleasure, and it is a privilege to recognize on the floor of the United States Senate the contributions of Norm Grayson to the real estate industry and the State of Georgia. He is an inspiration.●

#### RECOGNIZING THE NATIONAL FEDERATION OF COFFEE GROWERS OF COLOMBIA

● Mr. LEAHY. I wish to speak briefly about the National Federation of Coffee Growers of Colombia.

The federation is a nonprofit grassroots organization that organizes and monitors the extensive network of coffee growers throughout Colombia. Since 1927, it has worked to build an economically and environmentally sustainable coffee culture, strengthen community networks of coffee growers throughout the country, and promote exports of Colombian coffee worldwide. The federation will celebrate its 80th anniversary on June 27 and should be commended for its accomplishments.

Coffee is grown today in more than half of Colombia's 1,098 municipalities, employing some 2 million people comprising 566,000 families. Many of these people live and work in small towns and rural areas, not unlike the farmers of my own State of Vermont. In fact, several Vermont companies, including Green Mountain Coffee and Coffee Enterprises, sell coffee produced by Colombian coffee growers who are supported by the federation.

In a country where everyone has been affected by the armed conflict and the economic and social disruption it has caused, the Federation of Coffee Growers of Colombia has focused increasingly on supporting the social aspects of coffee growers' lives. The federation has worked to bring trained teachers, schools, health clinics, roads, electrification, and other infrastructure to coffee-growing communities. It has provided technical training and the benefits of federation-sponsored research and development to coffee growers to help them improve yields and quality and to market their product. The results speak for themselves. Today, Colombia is the world's second largest coffee exporter by value, totaling \$1.677 billion of coffee exported in 2006.

The Federation of Coffee Growers of Colombia should be recognized and commended for the 80 years that it has contributed in important ways to the well-being of the Colombian people.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1585. To authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2079. A communication from the General Counsel, Department of Defense, transmitting, the report of legislative proposals relative to the National Defense Authorization Bill for fiscal year 2008; to the Committee on Armed Services.

EC-2080. A communication from the Principal Deputy, Office of the Under Secretary (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, relative to a study of initiatives to expand the relationship between the Department and Job Corps; to the Committee on Armed Services.

EC-2081. A communication from the Acting Deputy, Office of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the results of a public-private competition; to the Committee on Armed Services.

EC-2082. A communication from the Principal Deputy, Office of the Under Secretary (Personnel and Readiness), Department of Defense, transmitting, pursuant to law, a report relative to the status and results of the Department's List of Institutions of Higher Education Ineligible for Federal Funds; to the Committee on Armed Services.

EC-2083. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of Vice Admiral Barry M. Costello, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-2084. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, an annual report relative to exceptions granted by the Secretary for government securities brokers and dealers; to the Committee on Banking, Housing, and Urban Affairs.

EC-2085. A communication from the Fiscal Assistant Secretary, Department of the

Treasury, transmitting, pursuant to law, a report relative to a modification of the auction process for issuing United States Treasury obligations; to the Committee on Banking, Housing, and Urban Affairs.

EC-2086. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, an annual report relative to material violations or suspected material violations of regulations dealing with Treasury auctions and other Treasury securities offerings; to the Committee on Banking, Housing, and Urban Affairs.

EC-2087. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Dispute Resolution Program" ((RIN2502-AH98)(FR-4813-F-03)) received on May 30, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-2088. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2006 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2089. A communication from the Acting Legal Advisor to the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "MariTel, Inc. and Mobex Network Services, LLC—Petitions for Rule Making to Amend the Commission's Rules to Provide Additional Flexibility for AMTS and VHF Public Coast Station Licensees" ((FCC 07-87)(WT Docket No. 94-257)) received on June 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2090. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Facilitating Opportunities for Flexible, Efficient, and Reliable Spectrum for Use Employing Cognitive Radio Technologies" ((FCC 07-66)(ET Docket No. 03-108)) received on June 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2091. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Modifications of Parts 2 and 15 of the Commission's Rules for Unlicensed Devices and Equipment Approval" ((FCC 07-56)(ET Docket No. 03-201)) received on June 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2092. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2007 Management Measures" (RIN0648-AV56) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2093. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; U.S. Atlantic Billfish Tournament Management Measures" (RIN0648-AV25) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2094. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law,

the report of a rule entitled "Approval of 2007 Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-AV22) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2095. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Specification of Fiscal Year 2007 TACs for GB Cod, Haddock, and Yellowtail Flounder" (RIN0648-AU63) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2096. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2007 Georges Bank Cod Hook Sector Operations Plan and Agreement and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-AV20) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2097. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a status report on the Section 154 Northern Wisconsin Environmental Infrastructure Program; to the Committee on Commerce, Science, and Transportation.

EC-2098. A communication from the Acting Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Security Requirements for Unclassified Information Technology Resources" (RIN2700-AD26) received on May 30, 2007; to the Committee on Commerce, Science, and Transportation.

EC-2099. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the country of origin and the sellers of uranium and uranium enrichment services purchased by owners and operators of U.S. civilian nuclear power reactors during calendar year 2006; to the Committee on Energy and Natural Resources.

EC-2100. A communication from the Associate Deputy Secretary, Department of the Interior, transmitting, pursuant to law, a report relative to the Department's inventory of commercial activities; to the Committee on Energy and Natural Resources.

EC-2101. A communication from the Acting White House Liaison, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of a nomination and confirmation for the position of Principal Deputy Administrator, received on May 30, 2007; to the Committee on Energy and Natural Resources.

EC-2102. A communication from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Accounting and Reporting Requirements for Nonoperating Public Utilities and Licensees" (RIN1902-AD23) received on May 30, 2007; to the Committee on Energy and Natural Resources.

EC-2103. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the actions federal agencies are taking to incorporate and implement the Energy Policy Act of 2005; to the Committee on Energy and Natural Resources.

EC-2104. A communication from the Associate Deputy Secretary, Department of the Interior, transmitting, a draft bill entitled, "The Fiscally Responsible Energy Amend-

ments Act of 2007" to the Committee on Energy and Natural Resources.

EC-2105. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Environmental Protection and Border Security on the U.S.-Mexico Border, Tenth Report of the Good Neighbor Environmental Board to the President and Congress of the United States" to the Committee on Environment and Public Works.

EC-2106. A communication from the Acting Regulations Officer of Social Security, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Privacy and Disclosure of Official Records and Information" (RIN0960-AE88) received on May 30, 2007; to the Committee on Finance.

EC-2107. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification for fiscal year 2007 that no United Nations organization or affiliated agency grants recognition to any organization which supports pedophilia; to the Committee on Foreign Relations.

EC-2108. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007-108-2007-117); to the Committee on Foreign Relations.

EC-2109. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the re-certification of a proposed manufacturing license agreement for the manufacture of the AN/ASA-70 Tactical Display Group for the Japanese P-3C Anti-Submarine Program; to the Committee on Foreign Relations.

EC-2110. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed amendment to a license for the export of defense services associated with the Helicopter Long Range Active Sonar Mod. 2 System for the Canadian Maritime Helicopter Program; to the Committee on Foreign Relations.

EC-2111. A communication from the General Counsel, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a nomination for the position of Director, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2112. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a report relative to the acquisitions made by the Corporation from entities that manufacture the articles, materials, or supplies outside of the United States during fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-2113. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2114. A communication from the Assistant Secretary for Administration and Management, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a nomination for the position of Director, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2115. A communication from the Assistant Secretary for Administration and Management, Employee Benefits Security Ad-

ministration, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of Labor, received on May 30, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2116. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, a report relative to the acquisitions made by the Department from entities that manufacture the articles, materials, or supplies outside of the United States for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-2117. A communication from the Director, Office of Standards and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Sealing of Abandoned Areas" (RIN1219-AB52) received on May 25, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC-2118. A communication from the Director, Office of Standards, Regulations and Variances, Department of Labor, transmitting, pursuant to law, a report relative to the need to take measures to protect miners; to the Committee on Health, Education, Labor, and Pensions.

EC-2119. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Postal Service's management response to the report for the period ending March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2120. A communication from the Director, Human Resources, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the Category Rating System for calendar years 2005 and 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2121. A communication from the Secretary of Energy, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2122. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Office's Inspector General for the period from October 1, 2006, through March 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-2123. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Pension Benefit Guaranty Corporation for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-2124. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Attorney General's Report relative to the Administration of the Foreign Agents Registration Act for the six months ending June 30, 2006; to the Committee on the Judiciary.

EC-2125. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report relative to the Department's fiscal year 2006 inventory of inherently governmental and commercial activities; to the Committee on the Judiciary.

EC-2126. A communication from the Deputy General Counsel, Office of Lender Oversight, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Business Loan Program; Lender Examination and Review Fees" (RIN3245-AF49) received on May 30, 2007; to the Committee on Small Business and Entrepreneurship.

EC-2127. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Department of Veterans Affairs Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" (RIN2900-AM44) received on May 29, 2007; to the Committee on Veterans' Affairs.

EC-2128. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas; Maryland" (Docket No. APHIS-2007-0028) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2129. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wood Packaging Material; Treatment Modification" (Docket No. APHIS-2006-0129) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2130. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Emerald Ash Borer Host Material from Canada" (Docket No. APHIS-2006-0125) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2131. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Classical Swine Fever Status of the Mexican State of Nayarit" (Docket No. APHIS-2006-0104) received on June 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1547. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 110-77).

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1142. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development (Rept. No. 110-78).

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 1548. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 1549. An original bill to authorize appropriations for fiscal year 2008 for military construction, and for other purposes.

S. 1550. An original bill to authorize appropriations for fiscal year 2008 for defense activities of the Department of Energy, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1539. A bill to designate the post office located at 309 East Linn Street, Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. DOLE (for herself, Mrs. LINCOLN, Mr. BURR, Mr. DURBIN, Mr. VITTER, and Mr. ALLARD):

S. 1540. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Finance.

By Mr. VITTER:

S. 1541. A bill to allow for expanded uses of funding allocated to Louisiana under the hazard mitigation program while preserving the goals of the program to reduce future damage from disasters through mitigation; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1542. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN:

S. 1543. A bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mrs. CLINTON):

S. 1544. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

By Mr. SALAZAR (for himself, Mr. ALEXANDER, Mr. PRYOR, Mr. BENNETT, Mr. CASEY, Mr. GREGG, Mrs. LINCOLN, Mr. SUNUNU, and Ms. COLLINS):

S. 1545. A bill to implement the recommendations of the Iraq Study Group; to the Committee on Foreign Relations.

By Mr. CRAPO (for himself, Mr. REID, Mr. ENSIGN, Mr. STEVENS, and Mr. CRAIG):

S. 1546. A bill to amend the Internal Revenue code of 1986 to treat gold, silver, platinum, and palladium, in either coin or bar form, in the same manner as equities and mutual funds for purposes of the maximum capital gains rate for individuals; to the Committee on Finance.

By Mr. LEVIN:

S. 1547. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1548. An original bill to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1549. An original bill to authorize appropriations for fiscal year 2008 for military construction, and for other purposes; from

the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 1550. An original bill to authorize appropriations for fiscal year 2008 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BROWN (for himself, Mrs. HUTCHISON, Mr. KENNEDY, Mrs. CLINTON, and Mrs. MURRAY):

S. 1551. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 1552. A bill to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. McCONNELL (for himself, Mr. REID, Mr. ENZI, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 220. A resolution honoring the life of Senator Craig Thomas; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for

purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 130

At the request of Mr. ALLARD, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 130, a bill to amend title XVIII of the Social Security Act to extend reasonable cost contracts under Medicare.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 376

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 376, a bill to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, and for other purposes.

S. 399

At the request of Mr. BUNNING, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 431

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 492

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 492, a bill to promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 717

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 717, a bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 860

At the request of Mrs. CLINTON, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

At the request of Mr. SMITH, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 860, *supra*.

S. 881

At the request of Mrs. LINCOLN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Iowa (Mr. HARKIN), the Senator from Kansas (Mr. ROBERTS) and the Senator from South Carolina (Mr. GRAHAM) were

added as cosponsors of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 906

At the request of Mr. BIDEN, his name was added as a cosponsor of S. 906, a bill to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 941

At the request of Mr. SANDERS, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 941, a bill to increase Federal support for Community Health Centers and the National Health Service Corps in order to ensure access to health care for millions of Americans living in medically underserved areas.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1172

At the request of Mr. DURBIN, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1172, a bill to reduce hunger in the United States.

S. 1223

At the request of Ms. LANDRIEU, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1223, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to support efforts by local or regional television or radio broadcasters to provide essential public information programming in the event of a major disaster, and for other purposes.

S. 1233

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1233, a bill to provide and enhance intervention, rehabilitative treatment, and services to veterans with traumatic brain injury, and for other purposes.

S. 1254

At the request of Ms. MIKULSKI, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds \$1,200, adjusted for inflation.

S. 1295

At the request of Mr. FEINGOLD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1295, a bill to amend the African Development Foundation Act to change the name of the Foundation, modify the administrative authorities of the Foundation, and for other purposes.

S. 1301

At the request of Mr. DEMINT, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1301, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1310, a bill to amend title

XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1317

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1317, a bill to posthumously award a congressional gold medal to Constance Baker Motley.

S. 1337

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1337, a bill to amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1353, a bill to nullify the determinations of the Copyright Royalty Judges with respect to webcasting, to modify the basis for making such a determination, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1416

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1416, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums.

S. 1430

At the request of Mr. WYDEN, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1444

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1444, a bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

S. 1448

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr.

WHITEHOUSE) was added as a cosponsor of S. 1448, a bill to extend the same Federal benefits to law enforcement officers serving private institutions of higher education and rail carriers that apply to law enforcement officers serving units of State and local government.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Mr. CONRAD), the Senator from Ohio (Mr. BROWN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1460

At the request of Mr. HARKIN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from California (Mrs. BOXER) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1460, a bill to amend the Farm Security and Rural Development Act of 2002 to support beginning farmers and ranchers, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1529

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S.J. RES. 14

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S.J. Res. 14, a joint resolution expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

S. RES. 82

At the request of Mr. HAGEL, the names of the Senator from Hawaii (Mr.

AKAKA) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

S. RES. 206

At the request of Mr. CORNYN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 206, a resolution to provide for a budget point of order against legislation that increases income taxes on taxpayers, including hardworking middle-income families, entrepreneurs, and college students.

AMENDMENT NO. 1174

At the request of Mr. THUNE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1174 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 1539. A bill to designate the post office located at 309 East Linn Street, Marshalltown, Iowa, as the "Major Scott Nisely Post Office"; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today I am introducing a bill honoring and memorializing a fallen Iowa hero. Scott Nisely had served his country in Iraq just short of a year when, on September 30, 2006, he was killed in combat.

Scott Nisely served his country in many capacities during his lifetime. He devoted his life to his family, church, and country and has positively affected numerous lives. Scott Nisely's military service includes about 25 years with the U.S. Marine Corps, starting as an ROTC student, then 12 years on active duty, almost 9 years in the Marine Corps Reserve during which he achieved the rank of major. Most recently, he took a significant decrease in rank to serve his country once again in the Iowa Army National Guard for about 4 years until he was killed in combat. His public service also includes 12 years with the U.S. Postal Service. In addition, Scott served his community by his participation in the First Baptist Church's music ministry as a drummer. He was a devoted father who walked his daughter down the aisle for her wedding right before his deployment to Iraq. The wedding had

been moved up because Sarah, his daughter, wanted him in her wedding and was worried he wouldn't return home.

In recognition of this devoted family man and public servant, the bill I am introducing with the support of my colleague from Iowa, Senator HARKIN, would name the post office located at 309 East Linn Street in Marshalltown, IA, the Major Scott Nisely Post Office. The idea came from Scott's coworkers at the Marshalltown Post Office and it is indeed a fitting tribute. Representative LATHAM is introducing identical legislation in the House of Representatives today with the support of the other members of Iowa's House delegation. I am pleased to be able to propose this small token of recognition and gratitude for someone who has given so much to his country, and I urge its swift consideration.

Mr. HARKIN. Mr. President, today I join with my senior colleague from Iowa, Senator GRASSLEY, in introducing a bill to name the Marshalltown Post Office in honor of MAJ Scott Nisely, who was killed in action in Iraq on September 30, 2006.

Major Nisely enlisted in the U.S. Marine Corps in 1981 and served in Operation Desert Storm. In 1994, he moved to Marshalltown, IA, with his family and worked at the Iowa Veterans Home as well as at the Marshalltown and Des Moines Post Offices. Because of his love for his country and the military, Major Nisely took a demotion to join the Iowa National Guard and was sent to Iraq in 2005.

Major Nisely was a dedicated husband and father, beloved for his sense of humor and positive attitude. Having served in Operation Desert Storm, he was already a respected Marine veteran and a hero to his family and friends. But with our Armed Forces engaged in Iraq, he once again felt compelled to fight for his country. Major Nisely served in two wars, set a sterling example of selfless service to country, and paid the ultimate price while fighting in Iraq. I am proud to join my colleague in naming the post office in Marshalltown the Major Scott Nisely Post Office, in honor of this fallen hero.

By Mrs. DOLE (for herself, Mrs. LINCOLN, Mr. BURR, Mr. DURBIN, Mr. VITTER, and Mr. ALLARD):

S. 1540. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the transportation of food for charitable purposes; to the Committee on Finance.

Mrs. DOLE. Mr. President, today is the sixth National Hunger Awareness Day—a day to reflect on the fact that in this Nation alone more than 35 million people are experiencing hunger or are at risk for hunger. It is also a day to recognize the tremendous efforts of individuals who graciously give their time and resources to help those in need.

Hunger is far too prevalent, but I think Washington Post columnist

David Broder hit the nail on the head when he wrote: "America has some problems that defy solution. This one does not. It just needs caring people and a caring government, working together." I agree, the battle to end hunger in our country is a campaign that cannot be won in months or even a few years, but it is a victory within reach. And I am motivated to do what I can to make a positive difference in this fight against hunger—both in the United States and beyond our borders.

In America—the land of prosperity and plenty—some people have the misconception that hunger plagues only far-away, undeveloped nations. The reality is that hunger is a silent enemy lurking within 1 in 10 U.S. households. In my home State of North Carolina alone, nearly 1 million of our 8.8 million residents are struggling with food security issues. In recent years, once-thriving North Carolina towns have been economically crippled by the shuttering of textile mills and furniture factories. People have lost their jobs—and sometimes their ability to put food on the table. I know this scenario is not unique to North Carolina, as many American manufacturing jobs have moved overseas. While many folks are finding new employment, these days a steady income doesn't necessarily provide for three square meals a day.

To help struggling families and individuals, our nation is blessed to have many faith-based and other nonprofit service organizations that work to fight hunger. Over the last year, I have toured a number of these organizations in my home State—such as MANNA FoodBank in Asheville, Second Harvest Food Bank of Metrolina in Charlotte, and Meals on Wheels of Senior Services in Winston-Salem. I also have visited the DC Central Kitchen here in Washington—just a few blocks from the Capitol. At each of these organizations, I am inspired by the dedicated staff and volunteers who have such a passion for helping others.

Another hunger relief organization that I hold in the highest regard is the Society of St. Andrew, which gleans produce from farms and then packages, processes and transports excess food to feed hungry people across the country. When I think of gleaning, I often think of Ruth in the Old Testament. Her story takes place during a famine in Bethlehem, and Ruth gleaned so that her family could eat. In Biblical times, farmers were encouraged to leave crops in their fields for the poor and for travelers. It is a practice we should be utilizing much more extensively today—considering that in this country, 27 percent of all the food produced annually is lost at the retail, consumer, and food service levels. This means we are wasting about 3,044 pounds of good food every second.

The Society of St. Andrew recently passed a milestone—saving and distributing a total of 500 million pounds of food since 1983. This translates into

more than 1.5 billion servings. Already this year, the organization has provided more than 5.5 million pounds of produce. Amazingly, it only costs about 2 cents a serving to glean and deliver this food to those in need. And all of this work is done by the hands of tens of thousands of volunteers and a very small staff. I have gleaned in North Carolina fields with my friends at the Society of St. Andrew, and they are truly a remarkable group.

Like any humanitarian endeavor, the gleaning system works because of cooperative efforts. Private organizations and individuals are doing a great job—but with very limited resources. One of the single largest concerns for gleaners is transportation—how to actually get food to those in need. To help address this problem, I am proud to reintroduce today the Hunger Relief Trucking Tax Credit Act, which would change the Tax Code to give transportation companies tax incentives for volunteering trucks to transfer gleaned food. Specifically, my bill would create a 25-cent tax credit for each mile that food is transported for hunger relief efforts by a donated truck and driver.

This bill would provide a little extra encouragement for trucking companies to donate space in their vehicles to help more food reach more hungry people. I am grateful to my colleagues, Senators LINCOLN, BURR, DURBIN, VITTER and ALLARD, for joining this effort, and I welcome the support of relief organizations like the Society of St. Andrew, the American Trucking Association, and America's Second Harvest.

In addition, Senators LAUTENBERG, LINCOLN, and I plan to soon reintroduce the Food Employment Empowerment and Development Program Act, or the FEED Act. The idea behind this legislation is simple: combine food rescue with job training, thus teaching unemployed and homeless adults the skills needed to work in the food service industry.

With support from the FEED Act, community kitchens will receive much-needed resources to help collect rescued food and provide 2 million meals each year to the hungry. Successful FEED Act-type programs already exist. For example, in Charlotte, NC, the Community Culinary School recruits students from social service agencies, homeless shelters, halfway houses and work release programs. And just around the corner from here, 25 students recently began training in the DC Central Kitchen's 68th culinary job training class. This is a model program, which began in 1990, and it is always a great privilege to visit the kitchen and meet with the individuals who have faced adversity but are now on track for a career in the food service industry.

We also must do more to help America's 12 million hungry children get on the right track. As a result of hunger, these children have higher levels of chronic illness, depression, and behav-

ior problems. This is a travesty that can and must be prevented, and school feeding programs provide a critical means to this end. The National School Lunch Program feeds 30 million children in more than 100,000 schools each day. While reduced price meals are available to students whose family income is below 130 percent of the poverty level, State and local school board members have informed me that many families struggle to even pay this fee. In too many cases, this is creating an insurmountable barrier to participation.

That is why I am a strong supporter of eliminating the reduced price fee for these families and harmonizing the free income guideline with the WIC income guideline, which is 185 percent of poverty. In 2004, we succeeded in having a five-State pilot program authorized, and since then, a number of colleagues have joined me in urging funding for the program. I am very proud that the fiscal year 2008 Senate budget resolution finally includes the funds, and I will continue to push this during the appropriations process—because expanding the free lunch program has great potential to alleviate hunger for millions of children and help them succeed in school.

School feeding programs also offer tremendous opportunity to reach some of the 400 million chronically hungry children across the globe. Earlier this year, Senator DICK DURBIN and I introduced a bill to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program. This program was named for my husband Senator Bob Dole and his good friend Senator George McGovern—both of whom remain tremendous advocates for this and other child nutrition initiatives.

As with the U.S. school lunch program, the McGovern-Dole program helps attract children to schools. The nutritious meals provided help keep them alert and focused so they can learn and nourished so they can grow and mature. First authorized in 2002, the program provides for donations of U.S. agricultural products and financial and technical assistance for school food programs and maternal and child nutrition projects in low-income countries that are committed to universal education. In 2005 alone, the McGovern-Dole program distributed 120,000 metric tons of U.S. food commodities, including wheat, wheat flour, corn, rice, dry beans, and vegetable oils, to schools that run feeding programs in the world's poorest countries. In addition to Federal funding, outside donors have provided approximately \$1 billion to complement the McGovern-Dole program, making this initiative a successful public-private partnership.

McGovern-Dole has a proven track record of reducing hunger among school-age children and improving literacy and primary education enrollment in areas where conflict, hunger, poverty and HIV/AIDS are prevalent.

School meals, teacher training, and related support have helped boost school enrollment and academic performance. These positive results are especially true among girls, including those who live where girls are commonly mistreated and marginalized.

Throughout my career in public service, I have seen the faces of hunger so many times. During my time at the American Red Cross, I witnessed hunger and starvation in war-torn Rwanda and famine-stricken Somalia. In Baidoa, I came upon a little boy lying under a sack. I thought he was dead, but as his brother sat him up, I could see that he was severely malnourished. I asked for camel's milk to feed him, and as I raised the cup to his mouth, I put my arm around his back. The feeling of the little bones almost piercing through his flesh is something I will never forget. That is when the horror of starvation becomes real—when you can touch it.

In Deuteronomy 15:7, the Bible tells us, "If there is among you a poor man, one of your brethren, in any of your towns within your land which the Lord your God gives you, you shall not harden your heart or shut your hand against your poor brother."

I implore friends on both sides of the aisle—and the people of this great country—to join in this mission, this grassroots network of compassion that transcends political ideology and provides hope and security not only for those in need today but for future generations. Let us stand and fight as one in this mission to end hunger.

By Mrs. CLINTON:

S. 1542. A bill to establish State infrastructure banks for education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Investing for Tomorrow's Schools Act of 2007, an act that is critical in bringing our Nation's schools into the 21st century. If passed, this legislation would provide States with an economical way to fund school construction. Please allow me to express my thanks to my friend, Senator HARKIN, for joining my efforts in the Senate, as well as to Representative TAUSCHER for his leadership in the House and his introduction of the companion bill.

The American Society of Civil Engineers gave our Nation's school buildings a D in their last report card, with 75 percent of facilities deemed inadequate for education. Yet our children attend these schools every day.

When students attend rundown schools, their well-being and ability to learn is threatened. In 2004, in Washingtonville, NY, the roof over a classroom, in the 44-year-old Taft Elementary, collapsed. Had the collapse occurred just 32 days later, 15 children and 2 teachers could have been seriously injured or even killed.

This past January, New York's Manhasset School District issued a report describing the condition of its

only high school. The 72-year-old building has exceeded its life expectancy, with a roof “beyond the stages of patching and repairing” and in need of replacement. Last school year, part of the ceiling collapsed in one of the stairwells.

Buildings like this one, in use beyond their life expectancy, are dangerous and don't meet the demands of the 21st century. The lack of adequate school buildings hampers today's most promising and innovative efforts to boost student achievement. Many older school buildings are in a dangerous state of disrepair and have seriously outdated facilities. Many do not even have the proper wiring for computer networks. While we work to give students the academic tools they need to compete in the 21st century, we must also upgrade school facilities to give students a learning environment conducive to success. This is why we included a new provision in this legislation creating healthy high-performance schools guidelines to direct schools during renovation and construction in order to create schools that will foster the development of children.

According to the National Education Association, repairs and modernization nationwide will cost \$322 billion. Last year, over \$20 billion was spent nationwide on school construction. At that rate, it will take more than 16 years to modernize school buildings, when today's kindergartners could be graduating from college. Clearly, school construction is costly, but a price cannot be put on the value of our children's education and well-being. We must use innovative methods in providing funding for schools to make these essential renovations.

That is why I am introducing this bill. At the center of this bill is the creation of State infrastructure banks, which would improve financing for school construction. This financing mechanism was pioneered by the Reagan administration, which used it to help local communities fund water treatment and clean water facilities. The Clinton administration also used State infrastructure banks to help States finance transportation projects.

State infrastructure banks have been successful in financing public projects at a low cost to taxpayers. They would offer school districts flexible options of loan and credit enhancement assistance, such as low-interest loans, bond-financing security, loan guarantees, and credit support for financing projects, which result in lower interest rates. State infrastructure banks would not strain the Federal Treasury or the American taxpayer. After initial funding, they would require no ongoing Federal appropriations. As loans are repaid, funds would be replenished, and banks could make new loans available.

Passage of this bill would help provide immediate aid to the neediest schools and help local communities fund affordable construction far into

the future. This modest proposal is one step in the school construction solution. We must continue to move forward in this Congress by creating an academic setting that will prepare our students for the 21st century workplace. I ask my colleagues to join me and Senator HARKIN in supporting this critical piece of legislation.

By Mr. BINGAMAN:

S. 1543. A bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to be able to introduce the National Geothermal Initiative Act of 2007, along with my cosponsors, Senators REID, MURKOWSKI, STEVENS, SALAZAR, TESTER, and SNOWE. This bipartisan bill establishes a national goal where at least 20 percent of the total electrical energy production in the United States should be from geothermal resources by 2030. Under the National Geothermal Initiative, the national goal will be accomplished by establishing and carrying out new programs for geothermal research, development, demonstration, and commercial application. This act also extends an ongoing study being conducted by the United States Geological Survey to characterize the complete geothermal resource base for use in future geothermal energy development. Finally, the act will provide international market support for geothermal energy development. It is critical with ever increasing energy demands that new energy solutions are continually developed and explored. With continued research, development, demonstration, and deployment of new technologies, geothermal energy holds great promise as a growing renewable energy source.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1543

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Geothermal Initiative Act of 2007”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) domestic geothermal resources have the potential to provide vast amounts of clean, renewable, and reliable energy to the United States;

(2) Federal policies and programs are critical to achieving the potential of those resources;

(3) Federal tax policies should be modified to appropriately support the longer lead-times of geothermal facilities and address the high risks of geothermal exploration and development;

(4) sustained and expanded research programs are needed—

(A) to support the goal of increased energy production from geothermal resources; and

(B) to develop the technologies that will enable commercial production of energy from more geothermal resources;

(5) a comprehensive national resource assessment is needed to support policymakers and industry needs;

(6) a national exploration and development technology and information center should be established to support the achievement of increased geothermal energy production; and

(7) implementation and completion of geothermal and other renewable initiatives on public land in the United States is critical, consistent with the principles and requirements of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law.

**SEC. 3. NATIONAL GOAL.**

Congress declares that it shall be a national goal to achieve 20 percent of total electrical energy production in the United States from geothermal resources by not later than 2030.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) **INITIATIVE.**—The term “Initiative” means the national geothermal initiative established by section 5(a).

(2) **NATIONAL GOAL.**—The term “national goal” means the national goal of increased energy production from geothermal resources described in section 3.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

**SEC. 5. NATIONAL GEOTHERMAL INITIATIVE.**

(a) **ESTABLISHMENT.**—There is established a national geothermal initiative under which the Federal Government shall seek to achieve the national goal.

(b) **FEDERAL SUPPORT AND COORDINATION.**—In carrying out the Initiative, each Federal agency shall give priority to programs and efforts necessary to support achievement of the national goal to the extent consistent with applicable law.

(c) **ENERGY AND INTERIOR GOALS.**—

(1) **IN GENERAL.**—In carrying out the Initiative, the Secretary and the Secretary of the Interior shall establish and carry out policies and programs—

(A) to characterize the complete geothermal resource base (including engineered geothermal systems) of the United States by not later than 2010;

(B) to sustain an annual growth rate in the use of geothermal power, heat, and heat pump applications of at least 10 percent;

(C) to demonstrate state-of-the-art energy production from the full range of geothermal resources in the United States;

(D) to achieve new power or commercial heat production from geothermal resources in at least 25 States; and

(E) to develop the tools and techniques to construct an engineered geothermal system power plant.

(2) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Secretary and the Secretary of the Interior shall jointly submit to the appropriate Committees of Congress a report that describes—

(A) the proposed plan to achieve the goals described in paragraph (1); and

(B) a description of the progress during the period covered by the report toward achieving those goals.

(d) **GEOTHERMAL RESEARCH, DEVELOPMENT, DEMONSTRATION, AND COMMERCIAL APPLICATION.**—

(1) **IN GENERAL.**—The Secretary shall carry out a program of geothermal research, development, demonstration, outreach and education, and commercial application to support the achievement of the national goal.

(2) **REQUIREMENTS OF PROGRAM.**—In carrying out the geothermal research program

described in paragraph (1), the Secretary shall—

- (A) prioritize funding for the discovery and characterization of geothermal resources;
- (B) expand funding for cost-shared drilling;
- (C)(i) establish, at a national laboratory or university research center selected by the Secretary, a national geothermal exploration research and information center;
- (ii) support development and application of new exploration and development technologies through the center; and
- (iii) in cooperation with the Secretary of the Interior, disseminate geological and geophysical data to support geothermal exploration activities through the center.

(D) support cooperative programs with and among States, including with the Great Basin Center for Geothermal Energy, the Intermountain West Geothermal Consortium, and other similar State and regional initiatives, to expand knowledge of the geothermal resource base of the United States and potential applications of that resource base;

(E) improve and advance high-temperature and high-pressure drilling, completion, and instrumentation technologies benefiting geothermal well construction;

(F) demonstrate geothermal applications in settings that, as of the date of enactment of this Act, are noncommercial;

(G) research, develop, and demonstrate engineered geothermal systems techniques for commercial application of the technologies, including advances in—

- (i) reservoir stimulation;
- (ii) reservoir characterization, monitoring, and modeling;
- (iii) stress mapping;
- (iv) tracer development;
- (v) 3-dimensional tomography; and
- (vi) understanding seismic effects of deep drilling and reservoir engineering; and

(H) support the development and application of the full range of geothermal technologies and applications.

(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary to carry out this subsection—

- (A) \$75,000,000 for fiscal year 2008;
- (B) \$110,000,000 for each of fiscal years 2009 through 2012; and
- (C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

(e) **GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.**—

(1) **INTERIOR.**—In carrying out the Initiative, the Secretary of the Interior—

(A) acting through the Director of the United States Geological Survey, shall, not later than 2010—

- (i) conduct and complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and
- (ii) submit to the appropriate committees of Congress a report describing the results of the assessment; and

(B) in planning and leasing, shall consider the national goal established under this Act.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

- (A) \$15,000,000 for fiscal year 2008;
- (B) \$25,000,000 for each of fiscal years 2009 to 2012; and
- (C) for fiscal year 2013 and each fiscal year thereafter through fiscal year 2030, such sums as are necessary.

#### **SEC. 6. INTERMOUNTAIN WEST GEOTHERMAL CONSORTIUM.**

Section 237 of the Energy Policy Act of 2005 (42 U.S.C. 15874) is amended by adding at the end the following:

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

- “(1) \$5,000,000 for each of fiscal years 2008 through 2013; and
- “(2) such sums as are necessary for each of fiscal years 2014 through 2020.”.

#### **SEC. 7. INTERNATIONAL MARKET SUPPORT FOR GEOTHERMAL ENERGY DEVELOPMENT.**

(a) **UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**—The United States Agency for International Development, in coordination with other appropriate Federal and multilateral agencies, shall support international and regional development to promote the use of geothermal resources, including (as appropriate) the African Rift Geothermal Development Facility.

(b) **UNITED STATES TRADE AND DEVELOPMENT AGENCY.**—The United States Trade and Development Agency shall support the Initiative by—

- (1) encouraging participation by United States firms in actions taken to carry out subsection (a); and
- (2) providing grants and other financial support for feasibility and resource assessment studies.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

By Mr. GREGG (for himself and Mrs. CLINTON):

S. 1544. A bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data; to the Committee on Finance.

Mr. GREGG. Mr. President, the United States spends more on health care as a percentage of GDP than any other industrialized country and costs continue to rise. However, there is significant variation in the quality of health care consumers receive. Are we getting a good deal? The Medicare Quality Enhancement Act, which I have introduced today with Senator CLINTON, seeks to improve U.S. health care by providing qualified private-sector organizations access to Medicare data for the development and release of reports on the quality, cost, efficiency and effectiveness of our health care system.

Consumer groups, employers, insurance companies, labor unions and others have repeatedly requested access to Medicare data to improve the quality of the health care provided to their members, employees and beneficiaries and to help control the ever-rising costs of health care. While there remains legal debate over whether this data can be released, the Medicare Quality Enhancement Act ensures that the data collected by Medicare and paid for by the taxpayer can be utilized by qualified organizations to measure quality and control costs while protecting beneficiary privacy.

The Medicare Quality Enhancement Act of 2007: requires CMS to provide

Medicare enrollment, claims, survey and assessment data to private sector Medicare Quality Reporting Organizations, MQRs, to develop reports to measure health care quality for the public; mandates the protection of beneficiary privacy; empowers consumer groups, providers, employers, insurance plans, labor unions and others to request reports from MQRs; and provides for the public release of all reports.

Attempts are already being made by employers and insurance companies to measure quality. However, with limited amounts of privately held data, their analysis is not broad enough to provide the most accurate results. However, MQRs will have access to Medicare data and be authorized to aggregate both private and public data, providing a significantly more robust assessment of both quality and efficiency while requiring the complete protection of beneficiary health information.

In order for America's health care system to improve, we need to know more and understand the quality of the care we are purchasing. The time has come for the health care community to compete on quality, value and cost, and not be rewarded simply for volume of care provided.

The Medicare Quality Enhancement Act ensures that the public will finally have the tools necessary to make informed health care decisions for themselves and their families.

By Ms. MURKOWSKI:

S. 1552. A bill to authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation; to the Committee on Environment and Public Works.

Ms. MURKOWSKI. Mr. President, today I am introducing a bill that will authorize the Administrator of General Services to convey a parcel of real property to the Alaska Railroad Corporation. This parcel of land is used by GSA for a fleet management center at 2nd and Christensen avenue in downtown Anchorage. The site is approximately 78,000 sq. feet and is surrounded on two sides by Alaska Railroad property. This property was owned by the Alaska Railroad during the period of Federal ownership and was leased to the General Services administration. At the time the railroad was transferred from Federal to State ownership, the parcel of land where the fleet center is located was successfully obtained by GSA for its motor pool function due to its close proximity to downtown Anchorage and other Federal agencies.

This parcel of land is a key transportation component for the redevelopment of Ship Creek. Allowing the Alaska Railroad to get the property back, either through a land exchange or fair market purchase, will allow the Railroad to make additional improvements in the area. GSA has indicated a desire

to move from its present location to a location closer to the military bases in Anchorage as most of their business has become the management of a motor pool for the bases.

As consideration for the property, the administrator shall require the AKRR Corporation to either convey a replacement facility to GSA or pay the fair market value of the property based on the highest and best use as determined by an independent appraisal commissioned by the administrator and paid for by the Alaska Railroad Corporation. All proceeds derived from any payment for the property shall be deposited in the Federal buildings fund.

The GSA supports this legislation to expedite their move from the present location to one that will allow them to better serve the military bases.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1552

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF GSA FLEET MANAGEMENT CENTER TO ALASKA RAILROAD CORPORATION.**

(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of General Services shall convey, not later than 2 years after the date of enactment of this Act, by quitclaim deed, to the Alaska Railroad Corporation, an entity of the State of Alaska (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), known as the GSA Fleet Management Center.

(b) GSA FLEET MANAGEMENT CENTER.—The parcel to be conveyed under subsection (a) is the parcel located at the intersection of 2nd Avenue and Christensen Avenue in Anchorage, Alaska, consisting of approximately 78,000 square feet of land and the improvements thereon.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the parcel to be conveyed under subsection (a), the Administrator shall require the Corporation to—

(A) convey replacement property in accordance with paragraph (2); or

(B) pay the purchase price for the parcel in accordance with paragraph (3).

(2) REPLACEMENT PROPERTY.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(A), the Corporation shall—

(A) convey, and pay the cost of conveying, to the United States, acting by and through the Administrator, fee simple title to real property, including a building, that the Administrator determines to be suitable as a replacement facility for the parcel to be conveyed under subsection (a); and

(B) provide such other consideration as the Administrator and the Corporation may agree, including payment of the costs of relocating the occupants vacating the parcel to be conveyed under subsection (a).

(3) PURCHASE PRICE.—If the Administrator requires the Corporation to provide consideration under paragraph (1)(B), the Corporation shall pay to the Administrator the fair market value of the parcel to be conveyed under subsection (a) based on its highest and

best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Corporation.

(d) APPRAISAL.—In the case of an appraisal under subsection (c)(3)—

(1) the appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Corporation; and

(2) the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Corporation.

(e) PROCEEDS.—

(1) DEPOSIT.—Any proceeds received under subsection (c) shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code.

(2) EXPENDITURE.—Amounts paid into the Federal Buildings Fund under paragraph (1) shall be available to the Administrator upon deposit for expenditure for any lawful purpose consistent with existing authorities granted to the Administrator; except that the Administrator shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate 30 days advance written notice of any expenditure of the proceeds.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions to the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

(g) DESCRIPTION OF PROPERTY AND SURVEY.—The exact acreage and legal description of the parcels to be conveyed under subsections (a) and (c)(2) shall be determined by surveys satisfactory to the Administrator and the Corporation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 220—HONORING THE LIFE OF SENATOR CRAIG THOMAS

Mr. MCCONNELL (for himself, Mr. REID, Mr. ENZI, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms.

STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 220

Whereas Senator Craig Thomas has a long and honorable history of public service, serving in the United States Marine Corps, the Wyoming State Legislature, the United States House of Representatives, and the United States Senate;

Whereas Senator Craig Thomas represented the people of Wyoming with honor and distinction for over 20 years;

Whereas Senator Craig Thomas was first elected to the United States House of Representatives in 1989;

Whereas Senator Craig Thomas was subsequently elected 3 times to the United States Senate by record margins of more than 70 percent; and

Whereas Senator Craig Thomas's life and career were marked by the best of his Western values: hard work, plain speaking, common sense, courage, and integrity: Now, therefore, be it

*Resolved, That—*

(1) the United States Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming;

(2) the Senate mourns the loss of one of its most esteemed members, Senator Craig Thomas, and expresses its condolences to the people of Wyoming and to his wife, Susan, and his 4 children;

(3) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of Senator Craig Thomas; and

(4) when the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Senator Craig Thomas.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1282. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1283. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1284. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1285. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1286. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1287. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1288. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1289. Mr. GRASSLEY submitted an amendment intended to be proposed by him

to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1290. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

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SA 1295. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1296. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1297. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1298. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1299. Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1300. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1301. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1302. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1303. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1304. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1305. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1306. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1307. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1309. Mr. DURBIN (for himself, Mr. MARTINEZ, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1310. Mr. DURBIN submitted an amendment intended to be proposed by him to the

bill S. 1348, supra; which was ordered to lie on the table.

SA 1311. Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1312. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1313. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1314. Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1315. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, Mr. GREGG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1316. Mr. DORGAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1317. Mr. MENENDEZ (for himself, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1318. Mr. CHAMBLISS (for himself, Mr. ENSIGN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1319. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1320. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1321. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1322. Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1323. Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1324. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1325. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1326. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1327. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1328. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1329. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1330. Mr. SESSIONS submitted an amendment intended to be proposed by him

to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1331. Mr. REID submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1332. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1333. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1282.** Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 274A(i) of the Immigration and Nationality Act (as amended by section 302(a) of the amendment), strike paragraph (2) and insert the following:

“(2) PREEMPTION.—This section preempts any State or local law that—

“(A) requires the use of the EEVS in a manner that—

“(i) conflicts with any Federal policy, procedure, or timetable; or

“(ii) imposes a civil or criminal sanction (other than through licensing or other similar laws) on a person that employs, or recruits or refers for a fee for employment, any unauthorized alien; and

“(B) requires, as a condition of conducting, continuing, or expanding a business, that, to achieve compliance with subsection (a) or (b), a business entity—

“(i) shall provide, build, fund, or maintain a shelter, structure, or designated area at or near the place of business of the entity for use by—

“(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

“(II) any contractor, customer, or other person over which the business entity has no authority; or

“(ii) shall carry out any other activity to facilitate the employment by others of—

“(I) any individual who is not an employee of the business entity who enters or seeks to enter the property of the entity for the purpose of seeking employment by the entity; or

“(II) any contractor, customer, or other person over which the business entity has no authority.”.

**SA 1283.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 218B(e)(3) of the Immigration and Nationality Act, as added by section 403(a), strike “An employer in a high unemployment” and all that follows through the end of the paragraph.

**SA 1284.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 411 and insert the following:  
**SEC. 411. COMPLIANCE INVESTIGATORS.**

(a) IN GENERAL.—The Secretary of Labor, subject to the availability of appropriations for such purpose, shall increase, by not less than 400 per year for each of the 5 fiscal years after the date of enactment of this Act, the number of positions for compliance investigators and attorneys dedicated to the enforcement of labor standards, including those contained in sections 218A, 218B, and 218C, the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) in geographic and occupational areas in which a high percentage of workers are Y nonimmigrants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor for each of the 5 fiscal years after the date of enactment of this Act such sums as may be necessary to carry out subsection (a).

**SA 1285.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . ALLOCATION OF FIELD AGENTS.**

(a) IN GENERAL.—Section 103(f) (8 U.S.C. 1103(f)) is amended to read as follows:

“(f) MINIMUM NUMBER OF AGENTS ALLOCATED TO STATES.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall allocate to each State—

“(A) not fewer than 40 full-time active duty agents of United States Immigration and Customs Enforcement to—

“(i) investigate immigration violations;

“(ii) ensure the departure of all removable aliens; and

“(B) not fewer than 15 full-time active duty agents of United States Citizenship and Immigration Services to carry out immigration and naturalization adjudication functions.

“(2) WAIVER.—The Secretary may waive the requirement under paragraph (1) for any State with a population of fewer than 2,000,000 residents, according to the most recent information published by the Bureau of the Census.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act.

**SA 1286.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 113 (relating to the release of aliens from noncontiguous countries).

**SA 1287.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(6) SURVEILLANCE PLAN AND NATIONAL STRATEGY FOR BORDER SECURITY.—The Department of Homeland Security has developed—

(A) a comprehensive plan for systematic surveillance of the international land and

maritime borders of the United States pursuant to section 126; and

(B) a national strategy for border security pursuant to section 127.

**SA 1288.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(6) ENTRY AND EXIT SYSTEM.—The Department of Homeland Security has fully implemented an automated entry and exit control system that will—

(A)(i) collect a record of departure for every alien departing the United States; and

(ii) match the records of departure with the record of the arrival of the alien in the United States; and

(B) enable the Secretary to identify, through searching procedures on the Internet, lawfully-admitted nonimmigrants who remain in the United States beyond the applicable period authorized by the Secretary.

Strike section 130 (relating to the US-Visit System).

**SA 1289.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 287, line 31, strike “Z-1” and insert “any Z”.

On page 287, line 34, strike “\$1,000” and insert “\$5,000”.

On page 287, strike line 36 and all that follows through “(iii)” on line 41, and insert “(ii)”.

On page 304, strike line 36 and all that follows through “behalf,” on line 38 and insert the following: “status, the Secretary of Homeland Security may impose an additional penalty in an amount not to exceed \$5,000.”.

**SA 1290.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 293, line 12, insert “and” after “center;”.

On page 293, line 13, strike the semicolon at the end and insert a period.

On page 293, strike lines 14 through 32

**SA 1291.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 317, strike line 8 and all that follows through “(b)” on line 12.

**SA 1292.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 33, insert the following:

(9) MEDICAL EXAMINATION.—An applicant for Z nonimmigrant status shall, at the alien’s expense, obtain proper immunizations and undergo an appropriate medical examination that conforms to generally accepted professional standards of medical practice.

**SA 1293.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, strike lines 6 through 9 and insert the following: “subsection, any Z nonimmigrant shall pay a State impact assistance fee in an amount equal to \$500.”.

**SA 1294.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 304, line 4, strike “Z-1” and insert “Z”.

On page 304, lines 10 and 11, strike “Unless otherwise directed by the Secretary of State, a Z-1” and insert “A Z”.

On page 304, line 15, strike “A consular office” and all that follows through line 20.

**SA 1295.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 33, insert the following:

(9) ENGLISH AND CIVICS.—An alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

On page 295, strike line 20 and all that follows through page 296, line 22, and insert the following:

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older shall meet the requirements under section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)).

(II) EXCEPTION.—The requirement under subclause (I) shall not apply to any person who, on the date of the filing of the person’s application for an extension of Z nonimmigrant status—

(aa) is unable to comply because of physical or developmental disability or mental impairment to comply with such requirement; or

(bb) is older than 70 years of age and has been living in the United States for periods totaling not less than 20 years.

**SA 1296.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 289, line 8, strike “If, during the one-year” and all that follows through line 14.

**SA 1297.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 291, strike lines 22 through 38.

**SA 1298.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 289, line 42, strike “may” and insert “shall”.

On page 290, line 18, strike “by the end of the next business day”.

On page 290, line 44, and page 291, line 1, strike “or the end of the next business day, whichever is sooner”.

On page 296, line 39, strike “may” and insert “shall”.

**SA 1299.** Ms. SNOWE (for herself, Ms. MIKULSKI, and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 223, line 27, strike “101(a)(15)(Y)(ii)(II)” and “(101)(a)(15)(Y)(ii)”.

On page 224, in the handwritten material, by striking “(9)(A)” and inserting “(10)(A), as redesignated by paragraph (2) of this section”.

On page 225, strike the period at the end and insert the following: “; and

(4) in paragraph (11), as redesignated by paragraph (2) of this section—

(A) by inserting “(A)” after “(10)”;

(B) by adding at the end the following:

“(B) The numerical limitations under paragraph (1)(D) shall be allocated for each fiscal year to ensure that the total number of aliens subject to such numerical limits who enter the United States pursuant to a visa or are accorded nonimmigrant status under section 101(a)(15)(Y)(ii) during the first 6 months of such fiscal year is not greater than 50 percent of the total number of such visas available for that fiscal year.”.

**SA 1300.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SECTION . EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ATHLETES, ARTISTS, ENTERTAINERS, AND OTHER ALIENS OF EXTRAORDINARY ABILITY.**

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) in paragraph (6)(D)—

(A) by striking “Any person” and inserting the following:

“(i) Except as provided in clause (ii), any person”; and

(B) by adding at the end the following:

“(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien described in subparagraph (O) or (P) of section 101(a)(15) not later than 30 days after—

“(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

“(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

“(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.”.

**SA 1301.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218A of the Immigration and Nationality Act, as added by section 402(a), add the following new subsection:

“(V) SOCIAL SECURITY AND MEDICARE.—

“(1) SOCIAL SECURITY PAYROLL TAX.—Notwithstanding whether an agreement under section 233 of the Social Security Act is in effect between the United States and the home country of Y nonimmigrant, upon submission of a request at a United States Consulate in the home country of an alien who has ceased to be a Y nonimmigrant as result of termination of employment in the United States, the Secretary of the Treasury shall pay the alien an amount equal to the total tax imposed under section 3101(a) of the Internal Revenue Code of 1986 on the wages received by the alien and 50 percent of the tax imposed under section 1401(a) of such Code on the self-employment income of such alien while the alien was in such nonimmigrant status (without interest). An alien receiving such a payment shall be—

“(A) ineligible for any future admission to the United States under a Y nonimmigrant status; and

“(B) prohibited from being credited for purposes of computing benefits or determining insured status under title II of the Social Security Act for any quarter of coverage on which such payment is based.

“(2) MEDICARE PAYROLL TAX.—Not later than 1 year after such date of enactment, the Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall issue regulations establishing procedures for transferring amounts collected from the tax imposed under section 3101(b) of the Internal Revenue Code of 1986 on the wages received by Y nonimmigrant and 50 percent of the tax imposed under section 1401(b) of such Code on the self-employment income of such alien while working in the United States to the State Impact Assistance Account established under section 286(x) of the Immigration and Nationality Act (8 U.S.C. 1356(x)) for the purpose of the Secretary of Health and Human Services making grants to States to provide health services to noncitizens in accordance with the requirements of paragraph (4) of such section.

“(3) ENUMERATION BY THE COMMISSIONER OF SOCIAL SECURITY AND CERTIFICATION OF WORK HISTORY BY THE SECRETARY OF HOMELAND SECURITY.—

“(A) IN GENERAL.—The Secretary, in consultation with the Commissioner of Social Security shall implement a system to—

“(i) allow for the enumeration by the Commissioner of Social Security of any Y nonimmigrant, concurrent with the granting of the alien such status;

“(ii) require such alien, as a condition of receiving a payment described in paragraph (1), to—

“(I) provide the Secretary and the Commissioner of Social Security with the number assigned to the alien by the Commissioner of Social Security in accordance with clause (i); and

“(II) execute the document described in subparagraph (C); and

“(iii) provide the Commissioner of Social Security with a copy of such document and a certification specifying, after a review conducted in accordance with subparagraph (B), the year or years for which the alien was authorized to work in the United States.

“(B) REVIEW AND TRANSMITTAL OF CERTIFICATION OF WORK STATUS.—For purposes of

carrying out subparagraph (A), the Secretary shall review the records of the Department of Homeland Security and any other evidence the Secretary determines appropriate for making a determination as to the authorization of an alien granted Y nonimmigrant status to work in the United States during any period for when the alien was not granted such status, including such evidence as the alien may provide such as correspondence with the Department of Homeland Security and copies of employer records.

“(C) DOCUMENT DESCRIBED.—For purposes of subparagraph (A)(ii)(II), a document described in this subparagraph is a document, executed by a Y nonimmigrant as part of a request submitted under paragraph (1), in which the alien—

“(i) renounces any entitlement to benefits under title II of the Social Security Act based on wages or self-employment income of the alien earned—

“(I) while holding such status; or

“(II) during any year or period of years in which the alien was not authorized to work in the United States; and

“(ii) acknowledges the detailed list of each year during which (or during any part of which) the Secretary has determined that the alien was authorized to work in the United States and that any wages or self-employment income of the alien earned during any year or part year not so listed shall not be credited to the alien for purposes of determining eligibility for, or the amount of—

“(I) a payment to the alien under paragraph (1); or

“(II) any benefit for which the alien may become eligible for under title II of the Social Security Act on the basis of a subsequent admission to the United States under a status other than as a Y nonimmigrant.

“(4) APPLICATION OF PROHIBITION ON ELIGIBILITY FOR FEDERAL PUBLIC BENEFITS.—Nothing in this section shall be construed as affecting the application of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.) to a Y nonimmigrant and in no event shall an alien be considered a qualified alien under such title while granted such status.

“(5) ADMINISTRATION.—Not later than 1 year after the date of the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary of the Treasury, the Commissioner of Social Security, the Secretary of Homeland Security, and the Secretary of Health and Human Services shall each issue regulations establishing procedures for carrying out this paragraph, without regard to the requirements of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act).”.

**SA 1302.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

**SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS WITHOUT WORK AUTHORIZATION.**

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended—

(1) in subsection (c), by striking “For” and inserting “Except as provided in subsection (e), for”; and

(2) by adding at the end the following new subsections:

“(d)(1) Except as provided in paragraph (3) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under section 402(b)(2)(B) of the Personal Responsibility

and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)(B))—

“(A) no quarter of coverage shall be credited if, with respect to any individual who is not a United States citizen or national, the individual is assigned a social security account number after 2007 and such quarter of coverage is earned prior to the year in which such social security account number is assigned;

“(B) no quarter of coverage shall be credited for any calendar year beginning after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, if, with respect to an individual who is not a United States citizen or national, the Secretary of Homeland Security has certified in accordance with paragraph (2)(B) to the Commissioner that the individual is not authorized to engage in work activity in the United States; and

“(C) there shall be a rebuttable presumption that an alien who is granted non-immigrant status under section 101(a)(15)(Z) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Z)) and who was granted a social security account number prior to 2007, has no qualifying quarters of coverage earned prior to the date that the alien is granted such status.

“(2) The Commissioner of Social Security shall enter into an agreement with the Secretary of Homeland Security under which the Secretary of Homeland Security shall—

“(A) provide the Commissioner of Social Security with such information as the Commissioner determines necessary to carry out the prohibition set forth in paragraph (1)(A);

“(B) for purposes of carrying out paragraph (1)(B), notify the Commissioner of Social Security with respect to any alien who is granted authority to enter the United States and engage in work activity and for any alien already in the United States who is granted authority to work or whose period of authority to work is extended or otherwise reinstated by the Secretary of Homeland Security, of—

“(i) such determination and the granting of such authority by the Secretary of Homeland Security; and

“(ii) the date on which such authority to work in the United States is cancelled, revoked, or otherwise shall cease; and

“(C) for purposes of a request by an alien to which paragraph(1)(C) applies to overcome the presumption applied under such paragraph, notify the Commissioner of Social Security that the alien has submitted to the Secretary of Homeland Security appropriate, verifiable documents proving creditable quarters of coverage during a period—

“(i) prior to the date that the alien is granted nonimmigrant status under section 101(a)(15)(Z) of the Immigration and Nationality Act (which shall include any probationary period for which the alien was granted such status); and

“(ii) that the alien was present in the United States pursuant to a grant of status under a provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and authorized to engage in work activity while so present.

Each notification provided by the Secretary of Homeland Security under this paragraph shall specify with respect to an alien, the alien's name, date of birth, admission status, beginning and ending dates for such status, and, if applicable, number enumerated by the Commissioner of Social Security for such alien.

“(3) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

“(e) Subsection (d) shall not apply with respect to a determination under subsection

(a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.”.

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking “and” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) In computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).”.

(c) REQUIREMENT FOR SECRETARY TO TRANSMIT NOTICE OF STATUS.—Not later than—

(1) 6 months after the date of enactment of this Act, the Secretary of Homeland Security shall enter into the agreement with the Commissioner of Social Security required under section 214(d)(2) of the Social Security Act, as added by subsection (a), for purposes of carrying out paragraphs (1)(C) and (2)(C) of section 214(d) of the Social Security Act; and

(2) 24 months after such date, the Secretary of Homeland Security shall enter into the agreement with the Commissioner of Social Security required under such section 214(d)(2) for purposes of carrying out paragraphs (1)(A) and (1)(B) of such section.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall be effective with respect to quarters of coverage otherwise creditable for years beginning on or after the date that is 24 months after the date of enactment of this Act.

(2) EXCEPTION FOR APPLICATIONS FOR BENEFITS BASED ON SOCIAL SECURITY ACCOUNT NUMBER ASSIGNED PRIOR TO 2007.—Paragraphs (1)(C) and (2)(C) of section 214(d) of the Social Security Act, as added by subsection (a), shall be effective with respect to applications for benefits filed after the 6th month beginning after the month in which this Act is enacted.

**SA 1303.** Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

**SEC. 2. DEPLOYMENT OF TECHNOLOGY TO IMPROVE VISA PROCESSING.**

Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

“(i) VISA APPLICATION INTERVIEWS.—

“(1) VIDEOCONFERENCING.—For purposes of subsection (h), the term ‘in person interview’ includes an interview conducted by videoconference or similar technology after the date on which the Secretary of State, in consultation with the Secretary of Homeland Security, certifies that security measures and audit mechanisms have been implemented to ensure that biometrics collected for a visa applicant during an interview using videoconference or similar technology are those of the visa applicant.

“(2) MOBILE VISA INTERVIEWS.—

“(A) IN GENERAL.—The Secretary of State is authorized to carry out a pilot program to conduct visa interviews using mobile teams of consular officials after the date on which the Secretary of State, in consultation with

the Secretary of Homeland Security, certifies that such a pilot program may be carried out without jeopardizing the integrity of the visa interview process or the safety and security of consular officers.

“(B) FUNDING.—The Secretary of State shall use amounts otherwise appropriated to the Department of State to carry out the program authorized under subparagraph (A).”.

**SA 1304.** Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.**

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

“(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

“(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

“(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.”.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this section, and the amendment made by subsection (a), are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting “(6)(C)(i),” after “(6)(A),”.

**SA 1305.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform

and for other purposes; which was ordered to lie on the table; as follows:

In section 409 (relating to numerical limitations), strike “Section 214(g) of the Act” and insert the following:

(a) IN GENERAL.—Section 214(g) of the Act in section 214(g)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(D)) (as amended by section 409(a)(1)(B)), insert “subject to paragraph (3),” before “under section 101(a)(15)(Y)(ii)(II)”.

In section 409(a), redesignate the handwritten paragraph (3) as paragraph (5).

In section 409(a), strike paragraph (2) (relating to the redesignation of paragraphs), and insert the following:

(2) by redesignating paragraphs (2) through (11) as paragraphs (4) through (13), respectively;

(3) in paragraph (8) (as so redesignated), by striking “paragraph (5)” each place it appears and inserting “paragraph (7)”;

(4) by inserting after paragraph (1) the following:

In section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) (as amended by section 409(a)), insert after paragraph (2) the following:

“(3) LIMITATION FOR FISH ROE TECHNICIANS.—The numerical limitation described in paragraph (1)(D) shall not apply to any nonimmigrant alien—

“(A) who is issued a visa or otherwise provided status under section 101(a)(15)(Y)(ii); and

“(B) who is employed, or has received an offer of employment, as a fish roe processor, a fish roe technician, or a supervisor of fish roe processing.”.

At the end of section 409, add the following:

(b) CONFORMING AMENDMENTS.—Section 214 of the Immigration and Nationality Act (8 U.S.C. 1184) is amended—

(1) in subsection (c)(11)(A)(ii), by striking “subsection (g)(8)(C)” and inserting “subsection (g)(10)(C)”;

(2) in subsection (j)(2), by striking “subsection (g)(8)(A)” and inserting “subsection (g)(10)(A)”.

**SA 1306.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 401(a)(1), redesignate subparagraphs (A) through (C) as subparagraphs (B) through (D), respectively, and insert before subparagraph (B) (as so redesignated) the following:

(A) in clause (ii)(a), by inserting “for employment as a fish roe processor or fish roe technician or” before “to perform agricultural labor or services”;

**SA 1307.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 708 of the bill and insert the following:

**SEC. 708. HISTORY AND GOVERNMENT TEST.**

(a) IN GENERAL.—The Secretary shall incorporate a knowledge and understanding of the meaning of the Oath of Allegiance provided by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448) into the history and government test given to applicants for citizenship.

(b) TEST REDESIGN.—The goals of any naturalization test redesign undertaken by the

Office of Citizenship of the United States Citizenship and Immigration Services with respect to determining if a candidate for naturalization meets the requirements relating to the English language and the fundamentals of the history, and of the principles and form of government, of the United States, under section 312 of the Immigration and Nationality Act, shall include that a candidate demonstrate—

(1) a sufficient understanding of the English language for usage in everyday life;

(2) an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

(3) an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) an attachment to the principles of the Constitution of the United States and the well-being and happiness of the people of the United States; and

(5) an understanding of the rights and responsibilities of citizenship in the United States.

(c) REPORT.—The United States Citizenship and Immigration Service shall report to Congress on how the current test redesign is meeting the requirements described in subsection (b).

(d) DEFINITIONS.—As used in this section:

(1) KEY DOCUMENTS.—The term “key documents” means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term “key events” means the critical turning points in the history of the United States, including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term “key ideas” means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term “key persons” means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

**SA 1308.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 420(a)(1)(A), redesignate clauses (i) through (iii) as clauses (ii) through (iv), respectively, and insert before clause (ii) (as so redesignated) the following:

(i) in subparagraph (D)—

(I) by striking “(D) The application” and inserting the following:

“(D) SPECIFICATIONS.—

“(i) IN GENERAL.—The application”; and

(II) by adding at the end the following:

“(ii) VERIFICATION OF EMPLOYER ID NUMBER.—The application shall be denied unless the Secretary of Labor verifies that the employer identification number provided on the application is valid and accurate.”;

In section 420(a)(1)(A), strike clause (iv) (as so redesignated) and insert the following:

(iv) in subparagraph (G)(i)—

(I) by striking “In the case of an application described in subparagraph (E)(ii), subject” and inserting “Subject”;

(II) in subclause (I), by striking “and” at the end;

(III) in subclause (II), by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

“(III) has posted, for a period of not less than 30 days, the available position on a public job bank website that—

“(aa) is accessible through the Internet;

“(bb) is national in scope;

“(cc) has been in operation on the Internet for at least the 18-month period ending on the date on which the position is posted;

“(dd) does not require a registration fee or membership fee to search the job postings of the website; and

“(ee) has a valid Federal or State employer identification number.”;

**SA 1309.** Mr. DURBIN (for himself, Mr. MARTINEZ and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . . . REPORT ON PROCESSING OF VISA APPLICATIONS.**

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to Congress that includes the following information with respect to each visa-issuing post operated by the Department of State where, during the preceding 12 months, the length of time between the submission of a request for a personal interview for a nonimmigrant visa and the date of the personal interview of the applicant exceeded, on average, 30 days:

(1) The number of visa applications submitted to the Department in each of the 3 preceding fiscal years, including information regarding each type of visa applied for.

(2) The number of visa applications that were approved in each of the 3 preceding fiscal years, including information regarding the number of each type of visa approved.

(3) The number of visa applications in each of the 3 preceding fiscal years that were subject to a Security Advisory opinion or similar specialized review.

(4) The average length of time between the submission of a visa application and the personal interview of the applicant in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(5) The percentage of visa applicants who were refused a visa in each of the 3 preceding fiscal years, including information regarding the type of visa applied for.

(6) The number of consular officers processing visa applications in each of the 3 preceding fiscal years.

(7) A description of each new procedure or program designed to improve the processing of visa applications that was implemented in each of the 3 preceding fiscal years.

(8) A description of facilities for processing visa applications in each of the 3 preceding fiscal years.

(9) A description of particular communications initiatives or outreach undertaken to communicate the visa application process to potential or actual visa applicants.

(10) An analysis of the facilities, personnel, information systems, and other factors affecting the duration of time between the submission of a visa application and the personal interview of the applicant, and the impact of those factors on the quality of the review of the application.

(11) Specific recommendations as to any additional facilities personnel, information systems, or other requirements that would allow the personal interview, where appropriate, to occur not more than 30 days following the submission of a visa application.

**SA 1310.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**SEC. \_\_\_\_ . GLOBAL HEALTH CARE COOPERATION.**

(a) **QUALIFICATIONS FOR CERTAIN IMMIGRANTS.**—Section 502(e) of this Act is amended by striking paragraph (6), and section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended to read as follows:

“(5) **QUALIFICATIONS FOR CERTAIN IMMIGRANTS.**—

“(A) **UNQUALIFIED PHYSICIANS.**—

“(i) **IN GENERAL.**—An alien who is a graduate of a medical school not accredited by a body or bodies approved for the purpose by the Secretary of Education (regardless of whether such school of medicine is in the United States) and who is coming to the United States principally to perform services as a member of the medical profession is inadmissible, unless the alien—

“(I) has passed parts I and II of the National Board of Medical Examiners Examination (or an equivalent examination as determined by the Secretary of Health and Human Services); and

“(II) is competent in oral and written English.

“(ii) **EXCEPTION.**—An alien who is a graduate of a medical school shall be considered to have passed parts I and II of the National Board of Medical Examiners if the alien was fully and permanently licensed to practice medicine in a State on January 9, 1978, and was practicing medicine in a State on that date.

“(B) **UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.**—Subject to subsection (r), any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is inadmissible unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Secretary of Homeland Security, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, verifying that—

“(i) the alien’s education, training, license, and experience—

“(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

“(II) are comparable with that required for an American health-care worker of the same type; and

“(III) are authentic and, in the case of a license, unencumbered;

“(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in

consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant’s ability to speak and write; and

“(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession’s licensing or certification examination, the alien has passed such a test or has passed such an examination.

For purposes of clause (ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.

“(C) **APPLICATION.**—Subparagraphs (A) and (B) shall apply to immigrants seeking admission or adjustment of status under paragraph (1) of section 203(b), including immigrants who receive 1 or more points under a merit-based evaluation system based on employment (including offers of employment and intended employment) or experience as a physician or a health care worker.”.

(b) **CONFORMING AMENDMENTS.**—Section 212(r) of the Immigration and Nationality Act (8 U.S.C. 1182(R)) is amended by striking “subsection (a)(5)(C)” each place it appears and inserting “subsection (a)(5)(B)”.

(c) **IN GENERAL.**—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

**“SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.**

“(a) **IN GENERAL.**—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

“(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

“(2) to meet the continuous residency requirements under section 316(b).

“(b) **DEFINITIONS.**—In this section:

“(1) **CANDIDATE COUNTRY.**—The term ‘candidate country’ means a country that the Secretary of State determines to be—

“(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

“(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

“(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

“(2) **ELIGIBLE ALIEN.**—The term ‘eligible alien’ means an alien who—

“(A) has been lawfully admitted to the United States for permanent residence; and

“(B) is a physician or other healthcare worker.

“(c) **CONSULTATION.**—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

“(d) **PUBLICATION.**—The Secretary of State shall publish—

“(1) a list of candidate countries not later than 6 months after the date of the enactment of the Improving America’s Security Act of 2007, and annually thereafter; and

“(2) an amendment to the list described in paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).”.

(d) **RULEMAKING.**—

(1) **REQUIREMENT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this subsection.

(2) **CONTENT.**—The regulations promulgated pursuant to paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(e) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITION.**—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: “except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A.”.

(2) **DOCUMENTARY REQUIREMENTS.**—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting “, including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “101(a)(27)(A).”.

(3) **INELIGIBLE ALIENS.**—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting “other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,” after “Act.”.

(4) **NATURALIZATION.**—Section 319(b) of such Act (8 U.S.C. 1430(b)) is amended by inserting “an eligible alien who is residing or has resided in a foreign country under section 317A” before “and (C)”.

(5) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

“Sec. 317A. Temporary absence of aliens providing health care in developing countries”.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

United States Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(f) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by subsection (a), is further amended by adding at the end the following:

“(D) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

“(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien’s country of origin or the alien’s country of residence.

“(ii) OBLIGATION DEFINED.—In this subparagraph, the term ‘obligation’ means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien’s country of origin or the alien’s country of residence.

“(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

“(I) the obligation was incurred by coercion or other improper means;

“(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien’s obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

“(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.”

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary shall begin to carry out subparagraph (D) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (D), regardless of whether regulations to implement such subparagraph have been promulgated.

**SA 1311.** Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 1, strike “the probationary benefits conferred by section 601(h) of this Act.”. At the end of section 1, insert the following:

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as previously directed by the Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109-367)

(B) The total miles of fence required under such Act have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US-VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting “sanctuary” policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigra-

tion enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, the Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in

the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of

the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically

substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term “Presidential Certification of Immigration Enforcement” means the certification required under this section, which is signed by the President, and reads as follows:

“Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 (the ‘Act’), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.”

(2) CERTIFICATION.—The term “certification” means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term “immigration enforcement measure” means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term “Resolution of Presidential Certification of Immigration Enforcement” means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

“That Congress approves the certification of the President of the United States submitted to Congress on \_\_\_\_\_ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.”

**SA 1312.** Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . RETURN OF TALENT PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the “Return of Talent Act”.

(b) RETURN OF TALENT PROGRAM.—

(1) IN GENERAL.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

**“SEC. 317A. TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM.**

“(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

“(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(N).

“(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

“(d) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

“(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(N) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant’s country of citizenship, shall be considered, during such period of participation in the program—

“(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

“(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

“(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.”

(2) TABLE OF CONTENTS.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 317 the following:

“317A. Temporary absence of persons participating in the Return of Talent Program”.

(c) ELIGIBLE IMMIGRANTS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon after “Improvement Act of 1998”;

(2) in subparagraph (M), by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(N) an immigrant who—

“(i) has been lawfully admitted to the United States for permanent residence;

“(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien’s country of citizenship; and

“(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

“(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

“(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

“(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country’s response capacity and warrants a response by the United States Government.”

(d) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit a report to Congress that describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by subsection (b);

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the program; and

(3) any other information that the Secretary determines to be appropriate.

(e) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to United States Citizenship and Immigration Services for fiscal year 2008, such sums as may be necessary to carry out this section and the amendments made by this section.

**SA 1313.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 282, strike line 11 and all that follows through page 283, line 8 and insert the following:

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

“(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

“(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

“(II) is employed, and seeks to continue performing labor, services, or education; and

“(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

“(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

“(bb) the amount of cumulative time the applicant has lived in the United States;

“(cc) whether the applicant owns property in the United States;

“(dd) whether the applicant owns a business in the United States;

“(ee) the extent to which the applicant knows the English language;

“(ff) the applicant’s work history in the United States;

“(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

“(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

“(ii) whether the applicant has been convicted of criminal activity in the United States; and

“(jj) whether the applicant has certified his or her intention to ultimately become a United States citizen;

“(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

“(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

“(aa) the termination of the relationship with such spouse was connected to domestic violence; and

“(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

“(III) is under 18 years of age at the time of application for nonimmigrant status

under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).”

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

On page 286, line 36, strike “before January 1, 2007,” and insert “on the date that is 4 years before the date of the enactment of this Act”.

On page 286, line 43, strike “be on January 1, 2007,” and insert “have been, on the date that is 4 years before the date of the enactment of this Act”.

On page 290, line 14, insert “sufficient evidence that the alien resided in the United States for not less than 4 years before the date of the enactment of this Act and” after “submission of”.

On page 304, strike lines 2 through 20 and insert the following:

(ii) APPLICATION.—A Z-1 nonimmigrant’s application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

**SA 1314.** Mr. GRAHAM (for himself, Mr. MCCAIN, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 290, line 34, strike “and”.

On page 290, line 40, strike the period and insert “; and”.

On page 290, line 41, insert the following:  
(E) shall be eligible to serve as a member of the Armed Forces of the United States.

**SA 1315.** Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, Mr. GREGG, and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, strike lines 17 through 25, and insert the following:

“(G) Notwithstanding any other provision of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

“(H) Notwithstanding any other provision of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).”

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (3)—

(A) by striking “7.1 percent of such worldwide level” and inserting “4.200 of the worldwide level specified in section 201(d)(1)”;

(B) by striking “5,000” and inserting “2,500”;

(4) in paragraph (3), as redesignated by paragraph (3)—

(A) in subparagraph (A), by striking “7.1 percent of such worldwide level” and inserting “2,800 of the worldwide level specified in section 201(d)(1)”; and

(B) in subparagraph (B)(i), by striking “3,000” and inserting “1,500”; and

(5) by adding at the end the following

“(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

“(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

“(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

“(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

“(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

“(III) the alien’s entry into the United States will substantially benefit prospectively the United States.

“(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

“(I) the alien is recognized internationally as outstanding in a specific academic area;

“(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

“(III) the alien seeks to enter the United States—

“(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

“(bb) for a comparable position with an institution of higher education to conduct research in the area, or

“(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

“(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien’s application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

“(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

“(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences,

arts, professions, or business are sought by an employer in the United States.

“(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

“(C) PROFESSIONALS.—

“(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

“(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

“(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

“(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.”.

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

“(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

“(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

“(i) 140,000, plus

“(ii) the number computed under subparagraph (B).

“(B) ADDITIONAL NUMBER.—

“(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

“(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.”.

On page 262, between lines 9 and 10, insert the following:

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

“(H) Aliens who have earned a master’s or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(I) Aliens who have earned a master’s degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the

3-year period preceding their application for an immigrant visa under section 203(b).

“(J) Aliens who—

“(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

“(ii) seek to enter the United States to continue work in the area of extraordinary ability.

“(K) Aliens who—

“(i) are recognized internationally as outstanding in a specific academic area;

“(ii) have at least 3 years of experience in teaching or research in the academic area; and

“(iii) who seek to enter the United States for—

“(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

“(II) a comparable position with an institution of higher education to conduct research in the area; or

“(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

“(L) Aliens who—

“(i) in the 3-year period preceding their application for an immigrant visa under section 203(b), have been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof; and

“(ii) who seek to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

“(M) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(5).”.

On page 238, strike lines 13 through 24.

On page 239, strike lines 23 through 38 and insert the following:

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended—

(A) in subparagraph (B), by striking “or” after the semicolon;

(B) in subparagraph (C), by striking “, until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.” and inserting “; or”; and

(C) by adding at the end the following:

“(D) has earned a master’s or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.”.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

**SA 1316.** Mr. DORGAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 401, add the following:

(d) SUNSET OF Y-1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y-1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) on the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y-2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, under the H-2A visa program, or any visa program other than the Y-1 visa program.

**SA 1317.** Mr. MENENDEZ (for himself, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the table between page 262, line 36 and page 264, line 1, strike all the matter relating to “Extended family” and insert the following:

<b>Extended family</b>	Adult (21 or older) son or daughter of a United States citizen – <b>10 points</b> Adult (21 or older) son or daughter of a legal permanent resident – <b>10 pts</b> Sibling of a United States citizen or legal permanent resident – <b>10 pts</b> If an alien had applied for a family visa in any of the above categories after May 1, 2005 – <b>5 pts</b>	<b>15</b>
<b>Total</b>		<b>105</b>

**SA 1318.** Mr. CHAMBLISS (for himself, Mr. ENSIGN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.

(a) IN GENERAL.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

“(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

“(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of Congress of the President’s intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

“(B) the President transmits the text of such agreement to each House of Congress as provided in paragraph (2), and

“(C) an approval resolution regarding such agreement has passed both Houses of Congress and has been enacted into law.

“(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President’s report shall include the following:

“(i) An estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title.

“(ii) A statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law.

“(iii) A statement describing whether and how the agreement changes provisions of an agreement previously negotiated.

“(iv) A statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title.

“(v) An estimate by the Chief Actuary of the Social Security Administration, working in consultation with the Comptroller General of the United States, of the number of individuals who may become eligible for any benefits under this title or who may otherwise be affected by the agreement.

“(vi) An assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement.

“(vii) An assessment of the ability of such country to track and monitor recipients of benefits under such agreement.

“(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to Congress in the transmittal to Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by Congress under this section and shall have no force and effect under United States law.

“(3) For purposes of this subsection, the term ‘approval resolution’ means a joint resolution, the matter after the resolving clause of which is as follows: ‘That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and \_\_\_\_\_ establishing totalization arrangements between the social security system established by title II of such Act and the social security system of \_\_\_\_\_, transmitted to Congress by the President on \_\_\_\_\_, is hereby approved.’, the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to Congress.

“(4) Whenever a document setting forth an agreement entered into under this section and the President’s report in support of the agreement is transmitted to Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

“(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the

majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the preceding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.”.

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

“(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

“(1) REPORT.—For any totalization agreement transmitted to Congress on or after January 1, 2007, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

“(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

“(B) contains recommendations for adjusting the methods used to make the estimates.

“(2) DATES FOR SUBMISSION.—The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

“(g) GAO EVALUATION AND REPORT.—

“(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

“(A) an evaluation of the procedures used for making the estimates required by subsection (e)(2)(A);

“(B) an evaluation of the procedures used for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

“(C) such recommendations as the Comptroller General determines appropriate.

“(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

“(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to Congress on or after January 1, 2007.

**SA 1319.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 214A of the Immigration and Nationality Act, as added by section 622(b),

strike subsection (g) and all that follows through subparagraph (D) of subsection (j)(1), and insert the following:

“(g) FINE.—An alien granted a Z-A visa shall pay a fine of \$1,000 to the Secretary.

“(h) TREATMENT OF ALIENS GRANTED A Z-A VISA.—

“(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien granted a Z-A visa or a Z-A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

“(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted a Z-A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

“(3) TERMS OF EMPLOYMENT.—

“(A) PROHIBITION.—No alien granted a Z-A visa may be terminated from employment by any employer during the period of a Z-A visa except for just cause.

“(B) TREATMENT OF COMPLAINTS.—

“(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted a Z-A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

“(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

“(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

“(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the

employment of an alien who is granted a Z-A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

“(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

“(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

“(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employer's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

“(4) RECORD OF EMPLOYMENT.—

“(A) IN GENERAL.—Each employer of an alien who is granted a Z-A visa shall annually—

“(i) provide a written record of employment to the alien; and

“(ii) provide a copy of such record to the Secretary.

“(B) CIVIL PENALTIES.—

“(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z-A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed \$1,000 per violation.

“(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

“(i) TERMINATION OF A GRANT OF Z-A VISA.—

“(1) IN GENERAL.—The Secretary may terminate a Z-A visa or a Z-A dependent visa granted to an alien only if the Secretary determines that the alien is deportable.

“(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z-A visa or a Z-A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z-A visa or Z-A dependent visa if—

“(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z-A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

“(B) the alien—

“(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

“(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

“(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of \$500; or

“(iv) in the case of an alien granted a Z-A visa, fails to perform the agricultural employment described in subsection (j)(1)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(1)(A)(iii).

“(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien granted a Z-A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5-year work period, which may include submission of an application pursuant to this subsection.

“(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

“(1) Z-A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien granted a Z-A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

“(A) QUALIFYING EMPLOYMENT.—

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

“(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of the enactment of the AgJOBS Act of 2007; or

“(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3-year period beginning on such date of the enactment.

“(ii) FOUR-YEAR PERIOD OF EMPLOYMENT.—

An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 workdays during 3 years of those 4 years and at least 100 workdays during the remaining year, during the 4-year period beginning on such date of the enactment.

“(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

“(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

“(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

“(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

“(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

“(i) the record of employment described in subsection (h)(4); or

“(ii) such documentation as may be submitted under subsection (d)(3).

“(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

“(i) apply for adjustment of status; or

“(ii) renew the alien's Z visa status as described in section 601(k)(2).

“(D) FINE.—The alien pays to the Secretary a fine of \$4,000, such fine may be reduced by \$1,000 for every year of qualifying agricultural employment under this subsection, up to a maximum of 3 years credit.

**SA 1320.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for

comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In subsection (c)(4)(A) of section 214A of the Immigration and Nationality Act, as added by section 622(b), strike “The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.” and insert “The provisions of paragraphs (5), (6)(A), (7), and (9)(B) of section 212(a) shall not apply.”.

**SA 1321.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Except as provided under paragraph (2), not later than 54 months after the date of the enactment of this Act, the Secretary shall submit a written certification to the President and Congress that—

(A) the border security and other measures described in subsection (a) are funded, in place, and in operation; and

(B) there are fewer than 1,000,000 individuals who are unlawfully present in the United States.

(2) EFFECT OF LACK OF CERTIFICATION.—If the border security and other measures described in subsection (a) are not funded, are not in place, are not in operation, or if more than 1,000,000 individuals are unlawfully present in the United States on the date that is 54 months after the date of the enactment of this Act, title VI shall be immediately repealed and the legal status and probationary benefits granted to aliens under such title shall be terminated.

**SA 1322.** Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 48, between lines 9 and 10, insert the following:

**SEC. 204. TERRORIST BARS.**

(a) DEFINITION OF GOOD MORAL CHARACTER.—Section 101(f) (8 U.S.C. 1101(f)) is amended—

(1) by inserting after paragraph (1) the following:

“(2) an alien described in section 212(a)(3) or 237(a)(4), as determined by the Secretary of Homeland Security or the Attorney General based upon any relevant information or evidence, including classified, sensitive, or national security information;”;

(2) in paragraph (8), by striking “(as defined in subsection (a)(43))” and inserting the following: “, regardless of whether the crime was defined as an aggravated felony under subsection (a)(43) at the time of the conviction, unless—

“(A) the person completed the term of imprisonment and sentence not later than 10 years before the date of application; and

“(B) the Secretary of Homeland Security or the Attorney General waives the application of this paragraph; or”;

(3) in the undesignated matter following paragraph (9), by striking “a finding that for other reasons such person is or was not of good moral character” and inserting the following: “a discretionary finding for other reasons that such a person is or was not of good moral character. In determining an applicant’s moral character, the Secretary of

Homeland Security and the Attorney General may take into consideration the applicant’s conduct and acts at any time and are not limited to the period during which good moral character is required.”.

(b) PENDING PROCEEDINGS.—Section 204(b) (8 U.S.C. 1154(b)) is amended by adding at the end the following: “A petition may not be approved under this section if there is any administrative or judicial proceeding (whether civil or criminal) pending against the petitioner that could directly or indirectly result in the petitioner’s denaturalization or the loss of the petitioner’s lawful permanent resident status.”.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—

(1) IN GENERAL.—Section 216(e) (8 U.S.C. 1186a(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.

(2) CERTAIN ALIEN ENTREPRENEURS.—Section 216A(e) (8 U.S.C. 1186b(e)) is amended by inserting “if the alien has had the conditional basis removed pursuant to this section” before the period at the end.

(d) JUDICIAL REVIEW OF NATURALIZATION APPLICATIONS.—Section 310(c) (8 U.S.C. 1421(c)) is amended—

(1) by inserting “, not later than 120 days after the Secretary of Homeland Security’s final determination,” after “may”; and

(2) by adding at the end the following: “Except that in any proceeding, other than a proceeding under section 340, the court shall review for substantial evidence the administrative record and findings of the Secretary of Homeland Security regarding whether an alien is a person of good moral character, understands and is attached to the principles of the Constitution of the United States, or is well disposed to the good order and happiness of the United States. The petitioner shall have the burden of showing that the Secretary’s denial of the application was contrary to law.”.

(e) PERSONS ENDANGERING NATIONAL SECURITY.—Section 316 (8 U.S.C. 1427) is amended by adding at the end the following:

“(g) PERSONS ENDANGERING THE NATIONAL SECURITY.—A person may not be naturalized if the Secretary of Homeland Security determines, based upon any relevant information or evidence, including classified, sensitive, or national security information, that the person was once an alien described in section 212(a)(3) or 237(a)(4).”.

(f) CONCURRENT NATURALIZATION AND REMOVAL PROCEEDINGS.—Section 318 (8 U.S.C. 1429) is amended by striking “the Attorney General if” and all that follows and inserting: “the Secretary of Homeland Security or any court if there is pending against the applicant any removal proceeding or other proceeding to determine the applicant’s inadmissibility or deportability, or to determine whether the applicant’s lawful permanent resident status should be rescinded, regardless of when such proceeding was commenced. The findings of the Attorney General in terminating removal proceedings or canceling the removal of an alien under this Act shall not be deemed binding in any way upon the Secretary of Homeland Security with respect to the question of whether such person has established eligibility for naturalization in accordance with this title.”.

(g) DISTRICT COURT JURISDICTION.—Section 336(b) (8 U.S.C. 1447(b)) is amended to read as follows:

“(b) REQUEST FOR HEARING BEFORE DISTRICT COURT.—If there is a failure to render a final administrative decision under section 335 before the end of the 180-day period beginning on the date on which the Secretary of Homeland Security completes all examinations and interviews required under such

section, the applicant may apply to the district court for the district in which the applicant resides for a hearing on the matter. The Secretary shall notify the applicant when such examinations and interviews have been completed. Such district court shall only have jurisdiction to review the basis for delay and remand the matter, with appropriate instructions, to the Secretary for the Secretary’s determination on the application.”.

(h) EFFECTIVE DATE.—The amendments made by this section—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to any act that occurred on or after such date of enactment.

**SEC. 204A. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.**

(a) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

**SEC. 204B. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.**

(a) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(1) IN GENERAL.—Except as provided under paragraph (3), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(A) against whom a final order of removal has been issued;

(B) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(C) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(D) whose visa has been revoked.

(2) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under paragraph (1) related to an alien who is lawfully admitted to enter or remain in the United States.

(3) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(A) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under paragraph (1) related to such alien.

(B) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under

subparagraph (A), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under paragraph (1) related to such alien, unless such information is erroneous.

(C) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in paragraph (1), the Secretary may not provide the information required under paragraph (1) until the procedures required under this paragraph have been developed and implemented.

(b) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and”.

**SA 1333.** Mr. SESSIONS (for himself, Mr. ISAKSON, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 6, strike “(b)” and insert the following:

(b) FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.—

(1) AUTHORITY.—Law enforcement personnel of a State, or a political subdivision of a State, have the inherent authority of a sovereign entity to investigate, apprehend, arrest, detain, or transfer to Federal custody (including the transportation across State lines to detention centers) an alien for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by Federal law.

(2) CONSTRUCTION.—Nothing in this subsection may be construed to require law enforcement personnel of a State or a political subdivision to assist in the enforcement of the immigration laws of the United States.

(c) LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—

(1) PROVISION OF INFORMATION TO THE NATIONAL CRIME INFORMATION CENTER.—

(A) IN GENERAL.—Except as provided under subparagraph (C), not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the head of the National Crime Information Center of the Department of Justice the information that the Secretary has or maintains related to any alien—

(i) against whom a final order of removal has been issued;

(ii) who enters into a voluntary departure agreement, or is granted voluntary departure by an immigration judge, whose period for departure has expired under subsection (a)(3) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), subsection (b)(2) of such section 240B, or who has violated a condition of a voluntary departure agreement under such section 240B;

(iii) whom a Federal immigration officer has confirmed to be unlawfully present in the United States; and

(iv) whose visa has been revoked.

(B) REMOVAL OF INFORMATION.—The head of the National Crime Information Center shall promptly remove any information provided by the Secretary under subparagraph (A) related to an alien who is lawfully admitted to enter or remain in the United States.

(C) PROCEDURE FOR REMOVAL OF ERRONEOUS INFORMATION.—

(i) IN GENERAL.—The Secretary, in consultation with the head of the National Crime Information Center, shall develop and implement a procedure by which an alien may petition the Secretary or head of the National Crime Information Center, as appropriate, to remove any erroneous information provided by the Secretary under subparagraph (A) related to such alien.

(ii) EFFECT OF FAILURE TO RECEIVE NOTICE.—Under procedures developed under clause (i), failure by the alien to receive notice of a violation of the immigration laws shall not constitute cause for removing information provided by the Secretary under subparagraph (A) related to such alien, unless such information is erroneous.

(iii) INTERIM PROVISION OF INFORMATION.—Notwithstanding the 180-day period set forth in subparagraph (A), the Secretary may not provide the information required under subparagraph (A) until the procedures required under this paragraph have been developed and implemented.

(2) INCLUSION OF INFORMATION IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking “and” at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

“(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States; and”.

(d)

**SA 1324.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 149, strike line 22 and all that follows through page 150, line 2.

On page 151, line 9, strike “two additional two-year periods” and insert “an indefinite number of subsequent 2-year periods if the alien remains outside the United States for the 12-month period immediately prior to each 2-year period of admission”.

On page 151, strike lines 15 through 29 and insert the following:

“(2) FAMILY MEMBERS.—A Y-1 non-immigrant—

“(A) may not be accompanied by his or her spouse or other dependants while in the United States under such status; and

“(B) may not sponsor a family member to enter the United States through a ‘parent visitor visa’ authorized under section 214(s) of the Immigration and Nationality Act, as added by section 506(b) of this Act.

**SA 1325.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 282, strike line 15 and all that follows through “January 1, 2007” on page 283, line 14, and insert the following:

“(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

“(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, is employed, and seeks to continue performing labor, services or education;

“(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 7, 2004, and such alien—

“(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i); or

“(II) was, within 2 years of the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

“(aa) the termination of the relationship with such spouse was connected to domestic violence; and

“(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent, who is a Z nonimmigrant; or

“(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since May 1, 2005, and was born to or legally adopted by at least 1 parent who is at the time of application described in clause (i) or (ii).”.

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not lawfully present in the United States on May 1, 2005

**SA 1326.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**SEC. 6 . NUMERICAL LIMITATION.**

Notwithstanding any other provision of this Act, not more than 13,000,000 visas authorized to be issued under this title may be issued to aliens described under section 101(a)(15)(Z) of the Immigration and Nationality Act, as added by section 601 of this Act.

**SA 1327.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 302, line 34, strike “(r)” and insert the following:

(r) NUMERICAL LIMITATION.—Section 214(g) (8 U.S.C. 1184(g)), as amended by title IV, is further amended by adding at the end the following:

“(13) Notwithstanding any provision of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, not more than 13,000,000 visas authorized to be issued under title VI of such Act may be issued to aliens described under section 101(a)(15)(Z).”.

(s)

**SA 1328.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 342, between lines 9 and 10, insert the following:

**Subtitle D—Self-Sufficiency**

**SEC. 631. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.**

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 213A the following:

**“SEC. 213B. REQUIREMENT FOR GUARANTEE OF SELF-SUFFICIENCY.**

“(a) IN GENERAL.—In addition to the eligibility requirements under section 601(e) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien applying for Z nonimmigrant status under section 601 of such Act shall submit a signed a guarantee of self-sufficiency in accordance with this section.

“(b) ENFORCEABILITY.—

“(1) IN GENERAL.—No guarantee of self-sufficiency may be accepted by the Secretary or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) unless such guarantee is executed as a contract—

“(A) which is legally enforceable against the guarantor of self-sufficiency by the alien seeking immigration benefits, the Federal Government, and by any State (or any political subdivision of such State) providing any means-tested public benefits program during the 10-year period beginning on the date on which the alien last received any such immigration benefit;

“(B) in which the guarantor of self-sufficiency agrees to financially support the alien to prevent the alien from becoming a public charge; and

“(C) in which the guarantor of self-sufficiency agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (e)(2).

“(2) SCOPE.—A contract under paragraph (1) shall be enforceable with respect to means-tested public benefits (other than the benefits described in subsection (g)) provided to the alien before the alien is naturalized as a United States citizen under chapter 2 of title III.

“(c) FORMS.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security, in consultation with the Secretary of State and the Secretary of Health and Human Services, shall develop a form of guarantee of self-sufficiency that is consistent with the provisions under this section.

“(d) REMEDIES.—

“(1) IN GENERAL.—Remedies available to enforce a guarantee of self-sufficiency under this section include—

“(A) any of the remedies described in section 3201, 3203, 3204, or 3205 of title 28, United States Code;

“(B) an order for specific performance and payment of legal fees and other costs of collection; and

“(C) corresponding remedies available under State law.

“(2) COLLECTION.—A Federal agency may seek to collect amounts owed under this section in accordance with the provisions of subchapter II of chapter 37 of title 31, United States Code.

“(e) NOTIFICATION OF CHANGE OF ADDRESS.—

“(1) IN GENERAL.—The guarantor of self-sufficiency shall notify the Secretary and the State in which the guaranteed alien is a resident not later than 30 days after any change of address of the guarantor of self-sufficiency during the period specified in subsection (b)(2).

“(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall be subject to a civil penalty of—

“(A) not less than \$25,000 and not more than \$50,000; or

“(B) if such failure occurs with knowledge that the alien has received any means-tested public benefit, not less than \$50,000 or more than \$100,000.

“(f) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

“(1) REQUEST.—

“(A) IN GENERAL.—Upon notification that a guaranteed alien has received any benefit under any means-tested public benefits program, the appropriate Federal, State, or local official shall request reimbursement by the guarantor of self-sufficiency equal to the amount of assistance received by such alien.

“(B) RULEMAKING.—The Secretary of Homeland Security, in consultation with the Secretary of Health and Human Services, shall prescribe such regulations as may be necessary to carry out subparagraph (A).

“(2) CIVIL ACTION.—If the appropriate Federal, State, or local agency has not received a response from the guarantor of self-sufficiency within 45 days after requesting reimbursement, which indicates that such guarantor is willing to commence payments, an action may be brought against the guarantor of self-sufficiency to enforce the terms of the guarantee of self-sufficiency.

“(3) FAILURE TO COMPLY WITH REPAYMENT TERMS.—If the guarantor of self-sufficiency fails to comply with the repayment terms established by such agency, the agency may, not earlier than 60 days after such failure, bring an action against the guarantor of self-sufficiency pursuant to the affidavit of support.

“(4) STATUTE OF LIMITATIONS.—No cause of action may be brought under this subsection later than 50 years after the alien last received a benefit under any means-tested public benefits program.

“(5) COLLECTION AGENCIES.—If a Federal, State, or local agency requests reimbursement under this subsection from the guarantor of self-sufficiency in the amount of assistance provided, or brings an action against the guarantor of self-sufficiency pursuant to the affidavit of support, the appropriate agency may appoint or hire an individual or other person to act on behalf of such agency acting under the authority of law for purposes of collecting any moneys owed. Nothing in this subsection shall preclude any appropriate Federal, State, or local agency from directly requesting reimbursement from a guarantor of self-sufficiency for the amount of assistance provided, or from bringing an action against a guarantor of self-sufficiency pursuant to an affidavit of support.

“(g) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—A guarantor shall not be liable under this section for the reimbursement of any of the following benefits provided to a guaranteed alien:

“(1) Emergency medical services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(2) Short-term, non-cash, in-kind emergency disaster relief.

“(3) Assistance or benefits under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(4) Assistance or benefits under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(5) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

“(6) Payments for foster care and adoption assistance under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) for a child, but only if the foster or adoptive parent or parents of such child are not otherwise ineligible pursuant to section 4403 of this Act.

“(7) Programs, services, or assistance (including soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which—

“(A) deliver in-kind services at the community level, including through public or private nonprofit agencies;

“(B) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

“(C) are necessary for the protection of life or safety.

“(8) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

“(9) Benefits under the Head Start Act (42 U.S.C. 9831 et seq.).

“(10) Means-tested programs under the Elementary and Secondary Education Act of 1965 (Public Law 89-10).

“(11) Benefits under the Job Training Partnership Act (Public Law 97-300).

“(h) DEFINITIONS.—In this section:

“(1) GUARANTOR OF SELF-SUFFICIENCY.—The term ‘guarantor’ means an individual who—

“(A) seeks a benefit under title IV or VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or under any amendment made under either such title;

“(B) is at least 18 years of age; and

“(C) is domiciled in any of the 50 States or in the District of Columbia.

“(2) MEANS-TESTED PUBLIC BENEFITS PROGRAM.—The term ‘means-tested public benefits program’ means a program of public benefits (including cash, medical, housing, food assistance, and social services) administered by the Federal Government, a State, or a political subdivision of a State in which the eligibility of an individual, household, or family eligibility unit for benefits under the program or the amount of such benefits is determined on the basis of income, resources, or financial need of the individual, household, or unit.”

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 213A the following:

“Sec. 213B. Requirement for guarantee of self-sufficiency.”

**SA 1329.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 339, line 38, strike “not”.

**SA 1330.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 285, lines 19 through 21, strike “(6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(D),” and insert “(6)(C)(i), (6)(C)(ii), (6)(D), (6)(G), (7),”.

**SA 1331.** Mr. REID submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, add the following:

**SEC. \_\_\_\_ . EARNED INCOME TAX CREDIT.**

Nothing is this Act, or the amendments made by this Act, may be construed to modify any provision of the Internal Revenue Code of 1986 which prohibits illegal aliens from qualifying for the earned income tax credit under section 32 of such Code.

**SA 1332.** Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CERTIFICATION REQUIREMENT.**

(a) **IN GENERAL.**—A petition by an employer for any visa authorizing employment in the United States may not be approved until the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(b) **EFFECT OF MASS LAYOFF.**—If an employer provides a notice of a mass layoff pursuant to such Act after a visa described in subsection (a) has been approved, such visa shall expire on the date that is 60 days after the date on which such notice is provided.

(c) **EXEMPTION.**—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, that the total number of the employer's employees in the United States will not be reduced as a result of a mass layoff.

**SA 1303.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike line 11 and all that follows through page 51, line 37, and insert the following:

**SEC. 204. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS.**

(a) **DEFINITION OF CRIMINAL GANG.**—Section 101(a) (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

“(52)(A) The term ‘criminal gang’ means an ongoing group, club, organization, or association of 5 or more persons—

“(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

“(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

“(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

“(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

“(ii) a felony offense involving firearms or explosives, including a violation of section

924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

“(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

“(iv) a felony crime of violence as defined in section 16 of title 18, United States Code, which is punishable by a sentence of imprisonment of 5 years or more, including first degree murder, arson, possession, brandishment, or discharge of firearm in connection with crime of violence or drug trafficking offense, use of a short-barreled or semi-automatic weapons, use of a machine gun, murder of individuals involved in aiding a Federal investigation, kidnapping, bank robbery if death results or a hostage is kidnapped, sexual exploitation and other abuse of children, selling or buying of children, activities relating to material involving the sexual exploitation of a minor, activities relating to material constituting or containing child pornography, or illegal transportation of a minor;

“(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

“(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

“(vii) a conspiracy to commit an offense described in clause (i) through (vi).”

(b) **INADMISSIBILITY.**—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

(2) by inserting after subparagraph (E) the following:

“(F) **ALIENS ASSOCIATED WITH CRIMINAL GANGS.**—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang (as defined in section 204(a)) knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.”

(c) **DEPORTABILITY.**—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) **ALIENS ASSOCIATED WITH CRIMINAL GANGS.**—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang (as defined in section 204(a)), knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable. The Secretary of Homeland Security or the Attorney General may waive the application of this subparagraph.”

(d) **TEMPORARY PROTECTED STATUS.**—Section 244 (8 U.S.C. 1254a) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”;

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking “, or” and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting “; or”;

(C) by adding at the end the following:

“(iii) the alien participates in, or at any time after admission has participated in, the activities of a criminal gang as defined in section 204(a).”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking “Subject to paragraph (3), such” and inserting “Such”; and

(ii) by striking “(under paragraph (3))”;

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: “The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.”

(e) **INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.**—

(1) **INADMISSIBILITY.**—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 209(a)(3), is further amended—

(A) in subclause (II), by striking “or” at the end;

(B) in subclause (III), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subclause (III) the following:

“(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or”.

(2) **DEPORTABILITY.**—Section 237(a)(2)(A)(i) (8 U.S.C. 1227(a)(2)(A)(i)) is amended—

(A) in subclause (I), by striking “, and” and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting “; or”;

(C) by adding at the end the following: “(III) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender).”

(f) **PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.**—

(1) **INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.**—Section 212 (8 U.S.C. 1182) is amended—

(A) in subsection (a)(2), by adding at the end the following:

“(J) **CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.**—

“(i) **DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.**—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term ‘crime of domestic violence’ means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that

individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

“(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term ‘protection order’ means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

“(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

“(I) the alien was acting in self-defense;

“(II) the alien was found to have violated a protection order intended to protect the alien; or

“(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.”; and

(B) in subsection (h)—

(i) by striking “The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)” and inserting “The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (A)(i)(III), (B), (D), (E), (F), (J), and (K) of subsection (a)(2)”;

(ii) by inserting “or Secretary of Homeland Security” after “the Attorney General” each place it appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any acts that occurred on or after the date of the enactment of this Act.

**SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING, ILLEGAL ENTRY, PERJURY, AND FIREARMS OFFENSES.**

(a) DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (J), as added by section 204(f) the following:

“(K) DRUNK DRIVERS.—Any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is inadmissible.”

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) DRUNK DRIVERS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is deportable.”

(3) CONFORMING AMENDMENT.—Section 212(h) (8 U.S.C. 1182(h)) is amended—

(A) in the subsection heading, by striking “SUBSECTION (A)(2)(A)(I)(I), (II), (B), (D), AND (E)” and inserting “CERTAIN PROVISIONS IN SUBSECTION (A)(2)”;

(B) in the matter preceding paragraph (1), by striking “and (E)” and inserting “(E), and (F)”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to convictions entered on or after such date.

(b) ILLEGAL ENTRY.—

(1) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

**“SEC. 275. ILLEGAL ENTRY.**

“(a) IN GENERAL.—

“(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

“(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

“(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

“(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

“(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

“(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

“(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

“(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

“(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

“(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

“(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

“(A) alleged in the indictment or information; and

“(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

“(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

“(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a complete offense of such offense.

“(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross, the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

“(1) not less than \$50 and not more than \$250 for each such entry, crossing, attempted entry, or attempted crossing; or

“(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.”

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

“Sec. 275. Illegal entry.”

(3) EFFECTIVE DATE.—Section 275(a)(4) of the Immigration and Nationality Act, as added by this Act, shall apply only to violations of section 275(a)(1) committed on or after the date of the enactment of this Act.

(c) PERJURY AND FALSE STATEMENTS.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or any person) relating to an application for any benefit under the immigration laws (including for Z non-immigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

(d) INCREASED PENALTIES RELATING TO FIREARMS OFFENSES.—

(1) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting “212(a)” or after “section”; and

(ii) in the matter following subparagraph (D)—

(I) by striking “or imprisoned not more than four years” and inserting “and imprisoned for not more than 5 years”; and

(II) by striking “, or both”;

(B) in subsection (b), by striking “not more than \$1000 or imprisoned for not more than one year, or both” and inserting “under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).”; and

(2) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “, alien smuggling crime,” after “any crime of violence”;

(ii) in subparagraph (A), by inserting “, alien smuggling crime,” after “such crime of violence”; and

(iii) in subparagraph (D)(ii), by inserting “, alien smuggling crime,” after “crime of violence”; and

(B) by adding at the end the following:

“(6) For purposes of this subsection, the term ‘alien smuggling crime’ means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).”

(3) INADMISSIBILITY FOR FIREARMS OFFENSES.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)), as amended by sections 204(e) and 209(a)(3), is amended—

(A) in clause (i), by inserting after subclause (IV) the following:

“(V) a crime involving the purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code), provided the alien was sentenced to at least 1 year for the offense.”; and

(B) in clause (ii), by striking “Clause (i)(I)” and inserting “Subclauses (I), (IV), and (V) of clause (i)”.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, June 5, 2007, at 10 a.m. in room SD-366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the preparedness of Federal land management agencies for the 2007 wildfire season and to consider recent reports on the agencies' efforts to contain the costs of wildfire management activities.

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

#### COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled “Examining the Federal Role to Work with Communities to Prevent and Respond to Gang Violence: The Gang Abatement and Prevention Act of 2007” on Tuesday, June 5, 2007, at 10 a.m. in Dirksen Senate Office Building Room 226.

#### Witness list

Panel I: The Honorable Barbara Boxer, United States Senator [D-CA].

Panel II: The Honorable Antonio R. Villaraigosa, Mayor, City of Los Angeles, Los Angeles, CA; William J. Bratton, Chief of Police, Los Angeles Police Department, Los Angeles, CA.

Panel III: Ms. Boni Gayle Driskill, Wings of Protection, Modesto, CA.

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

#### COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled “Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part V” on Tuesday, June 5, 2007, at 2 p.m. in Dirksen Senate Office Building Room 226.

#### Witness list

Panel I: Bradley J. Schlozman, Associate Counsel to the Director, Executive Office for United States Attorneys, Former Interim U.S. Attorney for the Western District of Missouri, Former Principal Deputy Assistant Attorney General and, Acting Assistant Attorney General for the Civil Rights Division, U.S. Department of Justice, Washington, DC

Panel II: Todd Graves, Former U.S. Attorney, Western District of Missouri, Kansas City, MO.

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

#### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 5, 2007, at 9 a.m. for a hearing entitled “Executive Stock Options: Should the IRS and Stockholders Be Given Different Information?”

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

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2007 at 2:30 p.m. to hold a closed hearing.

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

### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR-NOMINATIONS DISCHARGED

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Executive Calendar Nos. 109, 113, 142, and 143, and further ask unanimous consent that the HELP Committee be discharged from further consideration of the following nominations: Ron Silver, PN 80; Judy Van Rest, PN 84; Anne Cahn, PN 317; Kathleen Martinez, PN 319; George Moose, PN 320; and Jeremy Rabkin, PN 321; that the Senate turn to their consideration; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF THE TREASURY

David George Nalson, of Rhode Island, to be an Assistant Secretary of the Treasury.

#### NATIONAL CONSUMER COOPERATIVE BANK

David George Nalson, of Rhode Island, to be a Member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

#### BROADCASTING BOARD OF GOVERNORS

James K. Glassman, of Connecticut, to be Chairman of the Broadcasting Board of Governors.

James K. Glassman, of Connecticut, to be a Member of the Broadcasting Board of Governors for a term expiring August 13, 2007.

#### “UNITED STATES INSTITUTE OF PEACE”

Ron Silver, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Judy Van Rest, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Anne Cahn, of Maryland, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Kathleen Martinez, of California, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2011.

George E. Moose, of Colorado, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

Jeremy A. Rabkin, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2009.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### HONORING THE LIFE OF SENATOR CRAIG THOMAS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 220, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 220) honoring the life of Senator CRAIG THOMAS:

#### S. RES. 220

Whereas Senator Craig Thomas had a long and honorable history of public service, serving in the United States Marine Corps, the Wyoming State Legislature, the United States House of Representatives, and the United States Senate;

Whereas Senator Craig Thomas represented the people of Wyoming with honor and distinction for over 20 years;

Whereas Senator Craig Thomas was first elected to the United States House of Representatives in 1989;

Whereas Senator Craig Thomas was subsequently elected 3 times to the United States Senate by record margins of more than 70 percent; and

Whereas Senator Craig Thomas's life and career were marked by the best of his Western values: hard work, plain speaking, common sense, courage, and integrity: Now, therefore, be it

*Resolved*, That—

(1) the United States Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming;

(2) the Senate mourns the loss of one of its most esteemed members, Senator Craig Thomas, and expresses its condolences to the people of Wyoming and to his wife, Susan, and his 4 children;

(3) the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of Senator Craig Thomas; and

(4) when the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Senator Craig Thomas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 220) was agreed to.

The preamble was agreed to.

ORDERS FOR WEDNESDAY, JUNE 6,  
2007

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, June 6; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of S. 1348, as provided for under the previous order; further, that the mandatory quorum required under rule XXII be waived with respect to the cloture motion filed this evening.

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

#### PROGRAM

Mr. DURBIN. Mr. President, as a reminder to Members, cloture was filed today, so first-degree amendments need to be filed by 1 p.m. tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. DURBIN. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the provisions of S. Res. 220, as a mark of further respect

to the memory of our late colleague, Senator CRAIG THOMAS.

There being no objection, the Senate, at 8:53 p.m., adjourned until Wednesday, June 6, 2007, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate June 5, 2007:

##### DEPARTMENT OF DEFENSE

DOUGLAS A. BROOK, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE RICHARD GRECO, JR., RESIGNED.

##### DEPARTMENT OF STATE

MARK GREEN, OF WISCONSIN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

WANDA L. NESBITT, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COTE D'IVOIRE.

##### DEPARTMENT OF JUSTICE

DAVID W. HAGY, OF TEXAS, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE SARAH V. HART, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, June 5, 2007:

##### DEPARTMENT OF THE TREASURY

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

##### NATIONAL CONSUMER COOPERATIVE BANK

DAVID GEORGE NASON, OF RHODE ISLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF THREE YEARS.

##### BROADCASTING BOARD OF GOVERNORS

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.

JAMES K. GLASSMAN, OF CONNECTICUT, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

##### UNITED STATES INSTITUTE OF PEACE

RON SILVER, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.  
JUDY VAN REST, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

ANNE CAHN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.  
KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2011.

GEORGE E. MOOSE, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

JEREMY A. RABKIN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2009.

#### WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON JUNE 5, 2007 WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

Henry Bonilla, of Texas, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador, vice John F. Maisto, resigned, which was sent to the Senate on March 15, 2007.