

cases, almost 1 in 5 deal with the FBI name check.

One step that legal immigrants have to take to stay in the country lawfully is going through a security check by the FBI. This is a standard procedure, and it is critically important to screen the folks to which we are granting citizenship and permanent residence. Unfortunately, the system is overwhelmed.

The FBI's National Name Check Program is asked to review 62,000 names a week—62,000 a week. In 2005, the FBI was asked to check 3.3 million names, a 20-percent jump from 2001. A great majority of these people are cleared automatically by computer, but for many, FBI agents have to comb through paper records spread across more than 265 sites across the country.

According to a November 2005 GAG report, the FBI background check is one of the top factors beyond the Bureau of Citizenship and Immigration Services' control that contributes to long wait times and an extended backlog. The report found that 11 percent of applications studied took longer than 3 months, and a significant portion of those took much longer. The Department of Homeland Security has taken many steps to try to speed up this process, but unfortunately there are just too many requests being sent to the FBI, and not enough analysts to deal with them.

Many of my constituents have reported waiting as long as 2 years to get cleared by the FBI. These are innocent people who have jumped through every legal hoop we have put in front of them. But because of a bureaucratic mess, they are put in legal limbo.

My amendment isn't overly ambitious. It just gives the FBI a small amount of resources to start tackling this problem. It authorizes \$3.125 million a year for the next 5 years to allow FBI to hire additional staff and take other steps to improve the speed and accuracy of the background checks. It also requires the FBI to report back to Congress on the size of the backlog and the steps it is taking to reduce it.

This is a problem we can do something about. And at a time when we are trying to stem the flow of immigrants entering the country illegally, this is a problem we must address. We should not punish the folks who have been responsible and applied to enter the country legally. We should make the system as efficient as possible. I urge my colleagues to support this amendment.

#### MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I understand we are speaking in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### IMMIGRATION REFORM

Mr. TALENT. Mr. President, I rise to speak against the bill. I want to begin by saying that America has a proud history of immigration. When we say that America is a nation of immigrants, we mean that deep in our national consciousness is the image of America as a haven and a place of opportunity for people from all over the world.

Our policies have reflected that image. America has always had more open immigration policies than any other country. But those policies have been the result of choices the American people have made.

We are a nation of immigrants, but we are also a nation of laws. Like all sovereign nations, America has the right to determine who may enter our country and who may not. The American people have chosen to strike a legal balance between their desire to provide opportunities to new residents of diverse backgrounds and the economic reality that too much immigration too fast will depress the wages and diminish the hopes of millions of our own citizens.

I say with the utmost respect that the bill before us completely abandons that traditional balance. It provides an amnesty to those who, however understandable their motives, have chosen to trespass on our hospitality and violate our laws and does so under conditions that history has shown will increase rather than decrease illegal immigration in the future. It allows a vast new immigration for decades to come, with no regard whatsoever for the impact on the lives and hopes of our own citizens who have the first claim to the American dream, and it does little or nothing to repair the existing system of legal immigration which regularly confounds the expectations of millions around the world who claim a legal right to enter the United States.

Moreover, the Senate has regrettably and inexplicably rejected commonsense amendments which were designed to restore the balance Americans want and have the right to expect. For those reasons, I could not support voting to end debate on the bill, and I will not now support its final passage.

I should say at the outset that I do support the border security provisions in the bill. Border security is a national security issue rather than an immigration issue. For that reason, I recently sponsored bipartisan legislation, the Border Security and Modernization Act, in order to help secure America's border with additional manpower, new barriers, and high-tech surveillance equipment.

The bill I cosponsored authorizes new funds for technology to assist our Border Patrol, to construct roads, fences, and barriers along the border and to purchase air assets such as helicopters. In addition, the Border Security and Modernization Act will increase resources for border detention centers

and enact stricter criminal penalties for human smuggling, falsifying work entry documents, and drug trafficking.

The immigration bill before the Senate contains many provisions similar to those in the bill which I cosponsored, and I am pleased the Senate approved an amendment which I also cosponsored to strengthen those provisions providing for the construction of at least 370 miles of triple-layered fence and 500 miles of vehicle barriers at strategic locations along the southwest border. But the good done in the immigration bill by these provisions could largely be accomplished by the President without new statutory authorization and is, in any case, far outweighed by the negatives in the bill.

I oppose the bill first because it grants a broad-based amnesty—the right to legal residence and even citizenship—to 10 to 12 million people who violated our laws. Permanent residence in the United States, not to mention American citizenship, is a valuable and important privilege.

Granting these privileges under these circumstances rewards and therefore encourages unlawful immigration. It demoralizes and punishes the millions of people around the world who have respected our rules and who are trying patiently to immigrate legally into the United States, and it makes a mockery of the policy that is supposed to form our immigration laws—the desire to balance our need for workers and vision of America as a place of opportunity against the importance of protecting jobs and wages at home.

If Congress grants an amnesty under these circumstances, what will be the argument against granting another amnesty 5, 10, or 20 years from now if millions more people, in response to the incentives created by this bill, manage to enter the United States illegally?

To those who say this will not happen, I say that it has already happened. Congress granted an amnesty 20 years ago for largely the same reasons under the same conditions and with the same assurances being offered in support of this bill before us today. Far from preventing illegal immigration, that amnesty has magnified the problem by four- or fivefold. What reason do we have to believe the same thing will not happen if we pass this bill, especially since the amnesty procedure in this bill is certain and takes effect immediately, while the border security provisions may not work at all and will, in any event, take years to implement? I suspect the pressure on our borders is increasing even now simply because the Senate is seriously debating an amnesty.

I also oppose the bill because it authorizes a vast and unvalidated increase in immigration. The bill allows 70 to 90 million immigrants to enter the country over the next 20 years—not, by and large, scientists, doctors, or engineers, but people who will compete directly against Americans for

jobs in the hospitality industry or for craft work in construction or manufacturing.

I begrudge no one the desire to come to the United States to make a better life for themselves. My grandparents did that, and so did my wife's mother. I certainly hope the economy will grow fast enough that we will need additional workers, but our first responsibility is to our own people. We cannot sustain the American dream if we do not provide opportunity for all Americans, including those who do not or cannot go to college. I can think of nothing more likely to cause conflict and division, and raise the ugly specter of ethnic prejudice than making millions of Americans compete against foreign workers, sometimes in economic recessions, for the jobs their families need to make ends meet.

Congress should be willing to increase legal immigration where our employers have proven needs that our own workers cannot meet. I believe such shortage exists today in certain parts of the economy, such as agriculture, and I would be willing to consider increases in the current limits in those areas. But that decision should be made on the basis of evidence, not speculation, and Congress should make it carefully and for short periods of time rather than guessing what the labor situation will be 10 or 20 years from now.

These decisions we are considering today matter. They affect the lives of millions of our people who rightly expect that we will look out for their interests, not make them feel guilty about their legitimate concerns for themselves and their loved ones. Moreover, the legal immigration provisions in the bill will cost our taxpayers \$54 billion over the next 10 years. That fact is not disputed, even by the sponsors of the bill. Because of the deficit, our health care programs are under pressure. Congress is begrudging disaster relief to our farmers. The Nation's transportation infrastructure is underfunded, and some are proposing to reduce the defense budget or increase taxes. I simply cannot understand why, at a time like this, Congress would undertake an additional budgetary commitment of this magnitude to foreign workers our economy may not even need.

Finally, I oppose the bill because it does very little to fix the current legal immigration system. The great irony of this whole debate is that it has focused largely on the wrong problem. If we want to help the economy and provide justice to immigrants, we should concentrate first on making our current programs at least minimally workable.

As Senators are probably aware, there are significant backlogs in our current system due to the sheer volume of aliens eligible to legally immigrate to the United States. As of December 31, 2003, the U.S. Customs and Immigration Service, that is the

USCIS, reported 5.3 million immigrant petitions pending. USCIS decreased the number of immigrant petitions by 24 percent by the end of fiscal year 2004—that is a pretty good job—but they still had 4.1 million petitions pending. Every new applicant who is not an immediate relative of a U.S. citizen must go to the end of lines that vary in length according to country, the prospective immigrant's relationship to their American sponsor, and profession.

According to the State Department, experienced laborers from India face a 5-year wait for a visa, while Filipino siblings of Americans wait more than 22 years.

In my office, we live with this problem with the current immigration system every day. I have five caseworkers who spend parts of each day in response to constituent requests, assisting those who actually claim a legal right to enter our country. These prospective immigrants have respected our laws. They and their Missouri sponsors spend large amounts of time and money trying to navigate the existing system. We have almost 200 pending cases in our office alone.

They include Missourians who want to adopt children from abroad, foreign doctors who want to work in rural areas where they are desperately needed, and world renowned researchers who want to bring their knowledge to the United States. These people have a right to immigrate under the current laws. Yet the bill does nothing for them. In fact, the bill makes their situation worse because it puts them at the back of the line. The bill inevitably means that the time and attention of the Immigration Service will be spent processing the applications of undocumented workers and administering a vague new guest worker program for 70 million to 90 million people, rather than on the cases of legal immigrants which, in some cases, have been pending for years.

What I have just said is the answer to those who claim this bill is necessary because it is the only practical solution to our current situation. Mr. President, anybody even marginally familiar with our current legal immigration system knows that it is in disarray. I honor the work of our border agents, but the reality is that our existing border security system is in every respect inadequate. I recognize that many diligent government workers are trying to process the claims of legal immigrants, but here again, they and the system are overwhelmed, even in trying to administer the current complicated visa system. The idea that our current immigration infrastructure can take on the real job of border security, process a multitiered amnesty program for 10 million to 12 million illegal aliens, and administer the claims of 70 million to 90 million new immigrants, in addition to its current responsibilities, is sheer fantasy. And to argue in favor of this bill on the

grounds that it is a practical solution to anything shows how far from reality the proponents of this legislation have really traveled.

Mr. President, I suppose there are many in Missouri who support this bill, and I know many Senators have worked hard to come up with this legislation. But in the last month, I have received over 4,000 calls, e-mails, and letters urgently in opposition to this measure before us, and I think a word should be spoken on behalf of the concerns of those constituents. They are not paranoid because, in a world of terrorism, they want the border under control. They are not ungenerous because they worry about jobs for themselves and their children. And they are not less progressive than Washington opinionmakers because they believe in the sovereign right of a democratic people who decide who and who shouldn't become a resident of this country.

The Senate had a chance to pass a good bill, a bill that secured the border, that fixed the system of legal immigration, that developed the biometrics our border security and immigration agents need to enforce the law that stops the coyotes and the fly-by-night employers from circumventing the law and paying cash to unlawful workers. The Senate has fumbled that chance. I suppose this bill will pass, based on the votes we have had in the last week or so. My hope is that in conference with the House, the Senate will agree to a commonsense bill that I can support, one that respects the balance which the American people want, are waiting for, and have the right to expect.

Mr. President, I yield the floor.

#### CHANGE OF VOTE

Mr. SMITH. Mr. President, on roll-call vote 140, I was recorded as voting nay. My intention was to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### IMMIGRATION REFORM

Mr. CARPER. Mr. President, I want to follow up on the comments of my friend from Missouri as he leaves the Chamber and just to acknowledge and to second his comments. He said we are indebted to those who work so hard to try to piece together this compromise legislation, and I agree. We will attack a lot of difficult issues this year—we already have—and I think few of them are more difficult than the one that we have been working with this week, last week, last month, and we will probably be dealing with in the months to come to try to hammer out a final bill to send to the President for his consideration.

Let me just make a couple of observations. First of all, let me say I am