

who was deported. Now the Immigration Service is trying to find that individual down in Guatemala. It was because of similar names.

So I think, as the Senator from New Jersey pointed out, the system we have included in the legislation is appropriate. It is not burdensome. We have had no complaints even during this long period of time. We have had no complaints from any of those who have been involved in the system that it is an undue burden, or any complaints from the judicial system. We have found out that we have 23 different incidents reported by my own Boston office of individuals who are very substantial citizens in New England, including a dean of a medical school, who were put on the list by mistake.

So mistakes happen. All we have in this is a simple process of review. That process has been outlined and stated by the Senator from New Jersey, and it should be preserved.

I look forward to not closing off the time to the Senator from Iowa, but we are trying to move this process along and consider the amendment of the Senator from New Mexico and then see if we cannot continue to consider the follow-on amendments. The Senator from South Carolina has an amendment as well. We will be looking forward to having debate on his amendment.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

The Senator from Massachusetts.

IRAQI TRANSLATORS

Mr. KENNEDY. Mr. President, I wish to take a moment to congratulate the House for moving on the issue of Iraqi translators. I am talking about translators who have worked for the American Armed Forces in Iraq. They have to follow a very detailed procedure, and then they get certified. Most of them have to work on it for more than a year.

These people have been particularly targeted by the terrorists. Their names are printed in mosques and other places of worship, and if they are found, they are executed. We have a limitation, I believe, of 50, and we have taken in 18. Many of these individuals have risked their lives for American service men and women and this legislation will be a very small downpayment in terms of their safety and their security. It is important, and I am hopeful we will be able to address this issue.

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

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

The Senator from New Mexico.

AMENDMENT NO. 1169 TO AMENDMENT NO. 1150

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send to the desk an amendment to the underlying substitute and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, and Mrs. FEINSTEIN, Mr. OBAMA, Mr. DODD, and Mr. DURBIN, proposes an amendment numbered 1169 to amendment No. 1150.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To reduce to 200,000 the number of certain nonimmigrants permitted to be admitted during a fiscal year)

Strike subparagraph (B) of the quoted matter under section 409(1)(B) and insert the following:

“(B) under section 101(a)(15)(Y)(i), may not exceed 200,000 for each fiscal year; or

In paragraph (2) of the quoted matter under section 409(2), strike “, (B)(ii),”.

Mr. BINGAMAN. Mr. President, this is an amendment to reduce the number of visas issued each year under the new guest worker program that is in this bill—reduce it to 200,000. This is 200,000 new visas each year which would be permitted if my amendment were to be adopted.

The amendment I am offering is sponsored by Senators FEINSTEIN, OBAMA, DODD, and DURBIN. It is essentially the same amendment I offered when we had the debate on the immigration bill last year when we were fortunate to have the support of 79 Senators for the amendment.

Let me talk a little bit about the context of this before getting into the detail of the amendment. The Kyl-Kennedy or Kennedy-Kyl substitute amendment allocates 400,000 new guest worker visas per year, and it has in it also an increase mechanism that allows the annual allocation to go from 400,000 up to 600,000 per year. After a few years, presumably, we would be at a level of 600,000 per year from then on. Workers are allowed to stay for a total of 6 years under this program. They would work for 2 years—and Senator DORGAN described this very accurately as part of the debate on his amendment yesterday—and they would be allowed to work for 6 years; that is, they work for 2 years, leave the country for 1 year, work for an additional 2 years, leave the country for another year, and work for an additional 2 years, then

leave for good. That is the structure of the system as it now stands. I can go into whatever details Members are interested in to explain how the increase mechanism provided for in the law is structured, but before I get into that, let me just talk about the larger context.

This bill, the Kennedy-Kyl substitute, contains really three so-called temporary worker programs which are very distinct, and individuals can come to our country and work in our country under any of these three programs.

One program is what I would refer to as the true temporary worker program, and that is where you bring people in for seasonal work. Clearly, that is something we have done for a long time. I think the limit in the law today is 66,000 are permitted to come in each year for temporary work—to work at resorts or work in some kind of a seasonal job—and then that 66,000 is then allowed to be increased to reflect those who have come the previous year or two. In fact, I think the estimate I have seen is that there are about 135,000 people in our country each year doing that kind of temporary seasonal work.

This bill, this Kennedy-Kyl substitute, would change that 66,000 to 100,000. It would contain an increase mechanism similar to what is in this new guest worker program, and so the 100,000 would eventually go to 200,000 after a few years. As I understand it now, there is also written into the law, written into the substitute, a provision that says the 200,000 number for the seasonal guest workers does not include people who have been here under that same program working in any 1 of the previous 3 years. Obviously, you have the potential for a great many more than 200,000 to come in as seasonal temporary workers under that provision.

Another separate provision of this substitute bill which allows for temporary workers to come in is the agricultural workers program. I point out to my colleagues, that is without limit. There is no cap on that. There is a tremendous opportunity for people to come into this country and work in agriculture. We do not have numerical limits on that, so, to anyone who says we are not going to be allowing people to come into the country to do the work Americans don't want to do, the truth is, if they want to do work that is related to agriculture, we can bring them in, in whatever numbers, without any limits being imposed by this law.

The third opportunity to come in as a so-called temporary worker is this new guest worker program. This is a little bit of a misnomer, when we talk about temporary worker, because these are permanent jobs that we are bringing people in to fill. People need to understand that. These are not temporary jobs, these are permanent jobs. We are bringing people in for a temporary period, or a designated period of 2 years, three different times, to do the work.