

SENATE FLOOR DEBATE ON THE BYRD AMENDMENT
Congressional Record, 2 Nov. 2005 (pp. S12189-12193)

The Senator from West Virginia [Mr. **BYRD**] proposes an amendment numbered 2367.

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

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

The amendment is as follows:

(Purpose: To replace title VIII of the bill with an amendment to section 214(c) of the Immigration and Nationality Act to impose a fee on employers who hire certain nonimmigrants)

On page 810, strike line 17 and all that follows through page 816, lines 21, and insert the following:

TITLE VIII--COMMITTEE ON THE JUDICIARY

SEC. 8001. FEES WITH RESPECT TO IMMIGRATION SERVICES FOR INTRACOMPANY TRANSFEREES.

(a) *In General.*--Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

“(15)(A) The Secretary of State shall impose a fee on an employer when an alien files an application abroad for a visa authorizing initial admission to the United States as a nonimmigrant described in section 101(a)(15)(L) in order to be employed by the employer, if the alien is covered under a blanket petition described in paragraph (2)(A).

“(B) The Secretary of Homeland Security shall impose a fee on an employer filing a petition under paragraph (1) to--

“(i) initially grant an alien nonimmigrant status under section 101(a)(15)(L); or

“(ii) extend, for the first time, the stay of an alien having such status.

“(C) The amount of each fee imposed under subparagraph (A) or (B) shall be \$1,500.

“(D) Fees imposed under subparagraphs (A) and (B)--

“(i) shall apply to principal aliens; and

“(ii) shall not apply to spouses or children who are accompanying or following to join such principal aliens.

((E)(i) An employer may not require an alien who is the beneficiary of the visa or petition for which a fee is imposed under this paragraph to reimburse, or otherwise compensate, the employer for part or all of the cost of such fee.

((ii) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated clause (i) shall be subject to the civil penalty described in section 274A(g)(2)."

(b) *Conforming Amendment.*--Section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) is amended by inserting "", including those fees provided for in section 214(c)(15) of such Act," after "all adjudication fees".

(c) *Expenditure Limitation.*--Amounts collected under section 214(c)(15) of the Immigration and Nationality Act, as added by subsection (a), may not be expended unless specifically appropriated by an Act of Congress.

Mr. BYRD. I see my friend, my bosom friend from Alabama, on the floor. I am told that he is going to speak at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator *Byrd* for offering the amendment. There is a legitimate national interest in deciding how many of these visas should be allowed, and in deciding how much the numbers should be increased, if any. The matter came up before the Judiciary Committee, of which I am a member, within the last 2 weeks, the week before last. There was a good deal of discussion and disagreement and my amendment, almost identical to the amendment Senator *Byrd* is offering today, did not fully come out of committee. The Judiciary Committee is not a committee that is in any way backward looking and is not a committee that has no interest in having a fair immigration policy, but we had very strong disagreements within our committee regarding whether increases in H-1B visas and other permanent work visas were justified.

Senator *Byrd* is correct in raising the matter now and objecting and offering this amendment to fix it--what came out of the Judiciary Committee. The current bill language will increase the H-1B visa cap by over 30,000 a year and increase the number of permanent employment-based immigrants, not temporary, by 90,000 a year. Additionally, the current bill language allows all family members of the workers to immigrate to the U.S. and exempts family members from being subjected to the cap. They are currently allowed to immigrate, but are subjected to the annual cap. These changes compose a huge, important policy statement. These extra visas will indeed increase revenue, because an additional fee will be charged for each of these additional visas, but this is not just a budget decision.

Now let's be frank. We are in a national discussion about immigration. We need to be honest with ourselves. We need to do the right thing. We need to be compassionate. We also need to consider what is just, fair, and reasonable for our national interests. Any nation that aspires to be a great nation has every right, indeed it has a responsibility, to determine how many people come into their country and under what circumstances. We are into the process of debating how our immigration system should be reformed.

One of my first, biggest, and most important concerns is the timing of this policy change we might as well do this kind of thing as part of our overall immigration reform debate. We are going

to continue it this year and probably in the beginning of next year we will be full-fledged into this discussion. To ram this language through as part of the Budget Reconciliation Act is unfortunate, and I do not think it is appropriate. That is why I support Senator *Byrd's* amendment.

What we come out with after we fully hear all of these issues discussed, how many the numbers would be, I do not know, but what the American people are concerned about is all we ever pass is something to increase the legal visa numbers, or to forgive people who have violated the law or that kind of thing. That is what we pass and pass and pass, and they are wondering and have been asking firmly and repeatedly in polling numbers and when we go home to townhall meetings and talk to our people, in the phone calls and letters we get, they are simply asking, why do we not have immigration laws that are enforced? Why do we not create a legal immigration system that actually works? Once that is done, they say, then you can talk to me, Mr. Senator, about how many more people ought to be allowed in every year. Let us get this thing under control.

So I think we are getting ahead of ourselves. I am not at all certain that these numbers are necessary. In fact, I do not think they are at this point. Just because somebody might be hired does not mean that this country fully and totally needs them in the coming year as a source of labor for our country.

Our Nation has been enriched by immigrants, talented, hard-working immigrants. For the most part, that is exactly what we are talking about. I do not dispute that we need to be discussing this issue. I do not dispute that we may need to raise that number that we have today to a higher number. I believe, though, the appropriate way to do it is after hearings, after discussion, as part of the overall fix and at the same time we can tell the American people not only have we been more generous to talented people who want to come and work but we have created a system that keeps those who cheat, go around the law, undermine the law, to stop that from occurring. I believe that would be the appropriate, responsible approach to deal with it. I therefore will support the *Byrd* amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to thank the distinguished Senator from Alabama for his strong statement and for his support of the amendment. His statement is very convincing, persuasive, and timely. I am very grateful for his coming to the floor and his joining in the support of this amendment. I hope all Senators will read his statement and learn therefrom and support the amendment.

I reserve any time that I may have remaining, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from New Hampshire controls 28 minutes. The Senator from West Virginia controls 9 minutes.

Mr. GREGG. Mr. President, first I congratulate the Senator from West Virginia for bringing forward a thoughtful amendment, as always, and especially for the fact that it actually, I believe, adds to the savings, if I am not correct. So I cannot argue with that.

To be honest, I am not engaged in this issue. The bill was reported out of the Judiciary Committee. We have heard from Senator *Sessions*, who is a member of the Judiciary Committee. I understand Senator *Specter* is not going to have the opportunity to come over and debate this because he is involved in a variety of other issues today. I am sure he has thoughts and opinions on this because it was part of the package they reported.

I would like to speak briefly about the topic which the Senator from West Virginia has raised because I think it is such a critical one, which is the issue of our borders and how we deal with it. I do have the good fortune, along with the Senator from West Virginia, to have a responsibility for the Homeland Security Agency, he being the ranking member and I being the chairman of that appropriations subcommittee. We know that we simply have borders which are too porous.

This year, with the significant assistance of the Senator from West Virginia, we were able to increase the funding relative to the number of Border Patrol agents to add another 1,500 agents when we count the supplemental, and we were able to increase the number of detention beds taking it up to about 20,000. We were able to add significantly to the number of immigration enforcement officials, and we were able to expand technology. We are nowhere near where we want to be. In fact, I asked my staff what we need in this area and we really need a lot more. We need about another 8,000 Border Patrol agents. We need about another 10,000 detention beds. We need a significant expansion of the technology capability, satellite capability, unmanned vehicle capability, helicopters, transportation facilities for our agents and physical housing facilities. We need training facilities. There are a lot of resources that need to be committed.

As a result, basically, of the ramp-up time, it is very hard to get a lot of agents in place quickly because we want to get the right type of folks. It takes awhile to hire them. We are only able to hire and train about 1,500 a year. Hopefully, we can improve that.

Over the next 4 years, this is something I know the Senator from West Virginia and I are going to spend a significant amount of time and effort to try and make sure our borders are secure and that we do have borders where we can expect the people who cross those borders are crossing legally. Part of it, of course, is making sure that people who get visas pay for the cost of issuing that visa. This is what this amendment is about.

So I congratulate the Senator from West Virginia for his strong effort in this area. I appreciate his support as the ranking member on the Homeland Security Subcommittee and of course the ranking member on the Appropriations Committee. I look forward to continue working with him on this issue.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank my chairman for his sage remarks. Let me thank him also for the leadership that he demonstrates daily in the Senate and in committees. I have great respect for him. I serve on the Homeland Security Committee with him. He is a far-seeing, wise Senator. He acts in the service of his people and he too is concerned about the protection of our country and its security. I thank him from the bottom of my heart. I thank him for yielding.

Mr. GREGG. I obviously appreciate those generous comments coming from a man who is truly a legend in the Senate and has done an extraordinary service for this Nation over his many years in the Senate. I thank him. Those are very kind and generous comments.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. 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. BYRD. Mr. President, several of the unions are very supportive of the amendment I have just offered. Among these unions, it should be mentioned that the American Federation of Government Employees is very supportive; the American Federation of State, County and Municipal Employees; the American Federation of Teachers; the American Federation of Television and Radio Artists; the American Guild of Musical Artists; the American Federation of Musicians; the American Federation of School Administrators; the Communications Workers of America, including the Newspaper Guild, the National Association of Broadcast Employees and Technicians, the International Union of Electrical Workers; the Federation of Professional Athletes; the International Association of Machinists and Aerospace Workers; the International Alliance of Theatrical Stage Employees; the International Brotherhood of Electrical Workers; the International Federation of Professional and Technical Engineers; the Office and Professional Employees International Union; Plate Printers, Die Stampers and Engravers Union of North America; the Screen Actors Guild; the Seafarers International Union; the United Steelworkers; the Writers Guild of America, East. These unions are trying to protect the health benefits and the wages of working Americans, and they say that American workers are available to fill these jobs.

The Department for Professional Employees, AFL-CIO, has a letter addressed to all Senators endorsing the amendment. Just to quote a few words from the letter:

The 22 national unions represented by our organization strongly support the Byrd amendment and urge your vote for it.

Continuing, I speak again of the letter and call attention to these excerpts:

There is absolutely no economic justification for expanding the H-1B program. Unemployment among professionals in H-1B occupations remains high

Finally, it is worth pointing out that industry apologists for off-shore outsourcing of American jobs have long proclaimed that one of the benefits of globalization would be the creation of high end, high skilled technical and professional jobs for workers in the United States. These same industries now seek to contract the number of these very same high end job opportunities that should otherwise be available to highly skilled American workers by once again expanding the H-1B visa program.

On behalf of the 4 million professional and technical workers that are members of our unions, we urge you to oppose any action that would have the effect of making it more difficult for unemployed U.S. professionals to find work.

Mr. President, Senators will please take note of these words on behalf of these unions and the workers in the industries with which they are concerned.

Mr. President, I yield the floor.

Mr. GREGG. I yield the Senator from Georgia 10 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from New Hampshire, the distinguished chairman of the Budget Committee. I rise today in support of the budget reconciliation package passed by the Senate Judiciary Committee and in opposition to this amendment. The Senator from West Virginia knows what great respect I have for him and his long-term service in this great institution. But I chaired the Subcommittee on Immigration, Border Security and Citizenship in the Senate Judiciary Committee during the 108th Congress. During that time, I worked very closely with my friends and colleagues, Senator *Kennedy* and Senator *Grassley*, to enact H-1B reform legislation. That is the part of the amendment I wish to address.

One of the most important aspects of that reform was to increase the H-1B visa fee to \$1,500 per application to fund education and training programs for U.S. workers. In addition to the application fee, the legislation added a \$500 anti-fraud fee to every H-1B visa application to detect and prevent fraud in the visa program.

The reconciliation package passed by the Senate Judiciary Committee, by a vote of 14 to 2, will generate \$45 million annually from H-1B visa fees that will go toward scholarships and training programs for U.S. workers. It will also generate \$15 million annually to enhance government enforcement of the H-1B program requirements that are designed to protect the U.S. workforce. These excess funds provide even more muscle to the Department of Labor's enforcement and U.S. worker education and training programs.

The Judiciary Committee's reconciliation package will allow for the recapture of up to 30,000 H-1B visas that were authorized and made available by Congress but went unused in previous years, provided the employer pays a \$500 fee for each recaptured visa.

I believe this proposal injects much-needed flexibility into current law by allowing the flow of these highly educated and highly skilled workers to be driven by supply and demand rather than by an arbitrary cap each fiscal year.

Currently, only 65,000 H-1B workers are allowed into the U.S. each year. Over the past 3 fiscal years, 2004-2006, the H-1B cap was reached before the end of the fiscal year. A similar shortage occurred in the mid-1990s when demand for high-skilled workers outpaced supply due to the high-tech boom. Congress responded to the needs of the U.S. economy in the 1990s by increasing the H-1B cap to 115,000 for fiscal years 1999 and 2000 and then increasing it again to 195,000 for fiscal years 2001-2003.

By allowing the recapture of up to 30,000 H-1B visas for the next 5 years, Congress will only be returning the total number of H-1B visa holders allowed to come to the U.S. to the fiscal year 1999 levels. I know that many companies, in my home State of Georgia, ranging from the biggest beverage companies and airlines in the world, down to small businesses, rely on access to these H-1B workers to effectively compete in the global economy.

Other companies rely on the expertise of foreign specialists to perform much-needed services their companies provide. For instance, recently, a small company with 60 employees--all U.S. citizens--was awarded a contract with the Pentagon to improve rapid response communications between agencies in the event of a natural disaster or terrorist attack.

Not only are innovations like these critical to the security of citizens of my home State, but they also can help create jobs for Americans everywhere as demand for the innovation grows and the company expands.

This company wanted to bring in a specialist from Northern Ireland to lead its development efforts. The company applied on behalf of this specialist in August 2005 to come in on one of the available H-1B visas for fiscal year 2006. However, there were no remaining H-1B visas available for fiscal year 2006 and as a result, this company will have to wait until fiscal year 2007--14 months--to bring this specialist to the U.S.

I am supportive of the increased flexibility provided in the Judiciary Committee's reconciliation package. When adequate U.S. worker protections are in place, as they are in the H-1B visa program, with strict wage requirements and labor market tests, Congress should facilitate the success of U.S. businesses with our immigration laws.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from West Virginia has 1 minute 3 seconds.

Mr. BYRD. Mr. President, the National Research Council has estimated that the net fiscal cost of immigration ranges from \$11 billion to \$22 billion per year, with most government expenditures on immigrants coming from State and local coffers.

Mr. President, how much is enough? How much is enough? In 2000, the Congress increased H-1B visas to 195,000 per year for 3 years, authorizing over half a million new visas. Last year, the Congress authorized 20,000 new H-1B visas each year, every year. The Immigration Act authorizes more than 140,000 employment-based visas each year. How much is enough? How much is enough? I say enough is enough.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I join once again with the ranking member of the Budget Committee to remind Members that we now have pending approximately 15 amendments and that it will take us 5 hours tomorrow to vote those amendments. Tomorrow evening, we are going to adjourn at 6 o'clock under any scenario, so if we cannot complete voting, we will be here on Friday. I do hope Members will be conscious of that as we move forward into the rest of this evening.

I understand when this amendment is over we will then be proceeding to the amendment by Senators **LOTT** and **LAUTENBERG** relative to ANWR.

At this point, 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. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. CONRAD. Mr. President, perhaps this is a good time to remind colleagues of the lineup and encourage those who have remaining amendments to come to the floor. If there is anyone wishing to speak during the next 15 minutes, there is time available.

Now that we have gone to the Byrd amendment, the next amendment up from 3 to 3:30 is the Lott-Lautenberg amendment, to be followed by the McCain amendment from 3:30 to 4:15, from 4:15 to 5 the Murray amendment on dual eligibles, to be followed by the Ensign amendment on DTV from 5 to 5:30, and then the Landrieu amendment or an amendment to be designated from 5:30 to 6.

I hope very much that colleagues who have requested time watch the floor closely. We are down to the last 3 1/4 hours on the reconciliation bill in terms of debate time.

If there are those who have not had a chance to speak, if they watch the floor closely--a number of these amendments may not take the full amount of time--that would be their opportunity to talk.

As I have indicated, we have a few minutes left before 3 p.m.

If there are Senators listening or staff listening and their Senator would like a chance to speak, either on the Republican side or on this side, this is their opportunity. This is one of their opportunities. There may be a few more left, but it is a fleeting opportunity.

Mr. GREGG. Mr. President, I think it is important for people to appreciate what the Senator from North Dakota has said. Tomorrow, we will have a minimum of 5 hours of votes. Some of these votes are going to get fairly complicated because there will be points of order of various nature. People will have to be here all day and ready to vote.

If our membership remembers, during the Budget Committee, the Senator from North Dakota and myself took a position that we should move quickly through the votes, and we will take the same position tomorrow. Members should be on the floor tomorrow all day.

Mr. CONRAD. Mr. President, if I could revisit the point, I hope colleagues understand what we are headed for tomorrow. It is not going to be fun. We already have 5 hours, at least, of voting

tomorrow. We hope people take that into consideration as they think about their schedules tomorrow.

The chairman might remind us. We start tomorrow at 9 o'clock and we will go right to votes; is that not correct?

Mr. GREGG. That is correct.

Mr. CONRAD. Colleagues should be aware that tomorrow is going to be a day of voting one vote right after another. Votes have already been scheduled for 5 solid hours, at least. This is a time for restraint. This is a time for colleagues to realize what it is like when we go into these vote-aramas and to try to reduce the number of votes that colleagues are asked to take.

When you get into this vote-arama, it almost becomes hard to fully appreciate and understand the votes you are casting. These votes come so fast and so furiously.

I hope colleagues are thinking about that as they consider how we conduct the business of the Senate tomorrow.

I thank the Chair. 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. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. GREGG. Mr. President, I yield such time as he may consume to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Thank you, Mr. President. I thank the manager of the bill and the ranking member.

I wanted to speak in opposition to the amendment filed by the distinguished Senator from West Virginia that would strike the Judiciary Committee's H-1B visa provisions and insert a prior amendment, the Sessions amendment, that actually was defeated in the Judiciary Committee.

This, of course, is an attempt by the Judiciary Committee to comply with the reconciliation instructions to generate some additional funds to meet the budgetary requirements of the budget resolution.

This is a part of the reconciliation process with the Judiciary Committee to come up with some savings funds to meet the instructions of the Budget Committee. The Judiciary Committee decided to sweep all of the unused H-1B visas for the last few years and to use that as a means to satisfy the reconciliation instructions.

The ability to track and retain the best talent around the world is a major factor in American competitiveness. Arbitrary caps on employment-based green cards and temporary visas for highly trained workers hurt our ability to track and keep that talent and ultimately jobs here in the United States.

In other words, for all of those who are concerned about outsourcing jobs out of America to other countries ought to be in favor of this Judiciary Committee provision and be opposed to the amendment filed by the distinguished Senator from West Virginia. It will keep jobs here in America rather than export them to places like India and China.

The Judiciary Committee in the House met its budget reconciliation obligation by imposition of a \$1,500 fee on

L-1 visas. The L-1 visa is used by multinational companies to transfer executives, managers, and employees with specialized knowledge. This additional fee would not be used to improve processing or otherwise provide relief on other pressing immigration issues such as the H-1B cap being reached 2 months before the fiscal year even began or 2 months after it began.

That proposed solution by the distinguished Senator from West Virginia will do nothing to address that critical need of the American economy.

Restoring access to the previously allocated H-1B visas will not only make significant strides toward deficit reduction through the additional fees that will be charged but also raise significant additional sums for scholarships and training of U.S. workers. It will also provide additional money for enforcement against fraud in the immigration system.

The fact of the matter is the United States of America is not training a sufficient number of engineers and scientists. In 2001, only 8 percent of all degrees awarded in the United States were in engineering, mathematics, and the physical sciences, which is more than a 50-percent decline since 1960.

Today, more than 50 percent of all engineering doctoral degrees awarded by U.S. engineering colleges are to foreign nationals.

The United States must find a way to increase the pipeline of U.S. engineers. I know many companies already partner with U.S. universities and colleges, and indeed this is a long-term challenge of our economy--to create a sufficient number of homegrown engineers and scientists to meet the demands of our innovative economy. But in the short term, we must ensure that our immigration policies do not unnecessarily restrict access to highly trained individuals, the kinds of employees that will create those additional jobs here in America.

Once again, the demand for high-tech temporary visas far exceeds the statutory cap imposed by Congress.

As I mentioned a moment ago, the fiscal year 2006 visas were gone 2 months before the fiscal year even began. They ran out in August 2005.

There is also a shortage of green cards, even for certain multinational managers and executives. That means that in addition to the years of processing delays, many immigrants must now wait several more years for a visa to be available.

We need comprehensive immigration reform in this country. We need to do more, a lot more, to strengthen our borders, to make sure that we know who is coming into our country and why they are here.

Indeed, this body, I am confident, will be addressing that need for comprehensive immigration reform in the near future.

But it is more than border enforcement--it is interior enforcement. It is enforcement at the workplace. But it is also making sure that by sensible immigration laws we provide the trained workforce necessary for American businesses to thrive and prosper and create additional employment here in America.

On the other hand, the distinguished Senator from West Virginia has proposed no raising of the cap to keep unused H-1B visas from previous years but instead to put a tax on the L-1 visa of \$1,500 each. These L-1 visas are issued pursuant to trade agreements with countries such as Chile, Australia, Singapore, and other countries so that when they conduct business operations in the United States, pursuant to these free trade agreements, their managers and high-level employees can actually come here pursuant to that free trade agreement.

Likewise--this is the important part--our managers and high-level employees can go to their country, pursuant to the free trade agreement, so that the benefits of this free trade agreement can be reached in the fullest.

It doesn't take much of an imagination to imagine that if we put a \$1,500 tax on each L-1 visa issued to employees of some nation that has a free trade agreement with the United States, they will simply turn around and retaliate and impose the same fees on American workers in those countries.

Rather than producing additional revenue, this will, in essence, be a wash. In other words, this amendment does nothing to solve the problem about a shortage of highly trained engineers and scientists who come here because we simply don't have enough on a temporary basis so that jobs can stay here.

This amendment does not solve that problem. This amendment, also, I believe, creates additional problems and distortions in our relationships with countries with whom we have negotiated and authorized a free trade agreement.

It is not only not helpful to the cause that we are seeking to cure by the Judiciary Committee's proposal, it is positively harmful in that it creates the potential for retaliation.

I wish we lived in a world where all of the good, high-paying, innovative jobs we create in this country could be satisfied by American workers. Indeed, the H-1B visa program requires that companies advertise for Americans first and that they pay people who get H-1B visas comparable wages with what an American worker would make so that there is no manipulation of this visa to pay perhaps a foreign worker far less and undercut the wages of American workers. There are already protections built into our immigration laws to make sure that doesn't happen.

In conclusion, I urge my colleagues to vote against the Byrd amendment. And I urge my colleagues to uphold the reconciliation bill, and vote it out as part of this package through the Budget Committee.

Final Vote on the Amendment : 14 Yea, 85 Nay, 1 Not Voting

Alphabetical by Senator Name

Akaka (D-HI), Yea	Dole (R-NC), Nay	McCain (R-AZ), Nay
Alexander (R-TN), Nay	Domenici (R-NM), Nay	McConnell (R-KY), Nay
Allard (R-CO), Nay	Dorgan (D-ND), Yea	Mikulski (D-MD), Nay
Allen (R-VA), Nay	Durbin (D-IL), Yea	Murkowski (R-AK), Nay
Baucus (D-MT), Nay	Ensign (R-NV), Nay	Murray (D-WA), Nay
Bayh (D-IN), Nay	Enzi (R-WY), Nay	Nelson (D-FL), Nay
Bennett (R-UT), Nay	Feingold (D-WI), Yea	Nelson (D-NE), Nay
Biden (D-DE), Nay	Feinstein (D-CA), Nay	Obama (D-IL), Nay
Bingaman (D-NM), Nay	Frist (R-TN), Nay	Pryor (D-AR), Nay
Bond (R-MO), Nay	Graham (R-SC), Nay	Reed (D-RI), Nay
Boxer (D-CA), Nay	Grassley (R-IA), Nay	Reid (D-NV), Nay
Brownback (R-KS), Nay	Gregg (R-NH), Nay	Roberts (R-KS), Nay
Bunning (R-KY), Nay	Hagel (R-NE), Nay	Rockefeller (D-WV), Yea
Burns (R-MT), Nay	Harkin (D-IA), Nay	Salazar (D-CO), Nay
Burr (R-NC), Nay	Hatch (R-UT), Nay	Santorum (R-PA), Nay
Byrd (D-WV), Yea	Hutchison (R-TX), Nay	Sarbanes (D-MD), Nay
Cantwell (D-WA), Nay	Inhofe (R-OK), Yea	Schumer (D-NY), Nay
Carper (D-DE), Nay	Inouye (D-HI), Nay	Sessions (R-AL), Yea
Chafee (R-RI), Nay	Isakson (R-GA), Nay	Shelby (R-AL), Nay
Chambliss (R-GA), Nay	Jeffords (I-VT), Yea	Smith (R-OR), Nay
Clinton (D-NY), Nay	Johnson (D-SD), Nay	Snowe (R-ME), Nay
Coburn (R-OK), Nay	Kennedy (D-MA), Nay	Specter (R-PA), Nay
Cochran (R-MS), Nay	Kerry (D-MA), Nay	Stabenow (D-MI), Yea
Coleman (R-MN), Nay	Kohl (D-WI), Nay	Stevens (R-AK), Nay
Collins (R-ME), Nay	Kyl (R-AZ), Nay	Sununu (R-NH), Nay
Conrad (D-ND), Nay	Landrieu (D-LA), Yea	Talent (R-MO), Nay
Cornyn (R-TX), Nay	Lautenberg (D-NJ), Nay	Thomas (R-WY), Nay
Corzine (D-NJ), Not Voting	Leahy (D-VT), Nay	Thune (R-SD), Nay
Craig (R-ID), Nay	Levin (D-MI), Nay	Vitter (R-LA), Yea
Crapo (R-ID), Nay	Lieberman (D-CT), Nay	Voinovich (R-OH), Nay
Dayton (D-MN), Yea	Lincoln (D-AR), Nay	Warner (R-VA), Nay
DeMint (R-SC), Nay	Lott (R-MS), Nay	Wyden (D-OR), Nay
DeWine (R-OH), Nay	Lugar (R-IN), Nay	
Dodd (D-CT), Yea	Martinez (R-FL), Nay	

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