Mr. President, I would just say to my friend, Senator

Reid, the able Democratic majority leader in the Senate, that I hope we

don't continue in a debate about the Iraq situation in ways that are

destructive to our Nation but that we can conduct the debate in a

positive way.

For example, I know there has been an intelligence report that has

been produced, but it also had within it projections of things of a

positive nature, some of which occurred and some of which didn't. It

had within it projections of things of a negative nature that did not

occur. Even with regard to its prediction of violence and persistent

violence and sectarian strife that could occur that report predicted it

would be phasing down after 3 or 4 years. So predictions are

predictions.

I don't think those possibilities were not discussed in the debate

leading up to our giving authorization to the President to conduct this

war. To suggest that this intelligence report was some sort of smoking

gun that raised issues nobody had even discussed, and that somehow the

President misled the public, is wrong and it hurts the President of the

United States, whoever he or she may be; and who, right now, we assume

will be traveling the world and meeting with leaders of foreign

nations. To make those kind of accusations is not healthy, in my view,

and not responsible.

Now, we had a vote week before last, fortunately, to provide funding

through the emergency supplemental for our soldiers, sailor, airmen and

marines in Iraq. That was too long in my view, but we did it. And we

voted to send General Petraeus to execute the surge that the President

has called for, and that was the funding that we approved week before

last to fund that surge. He is to give us a report in September on how

the situation is in Iraq, and we are all watching with a great deal of

anxiety because we are concerned about what is happening in Iraq. We

know the United States has only limited ability to affect what we would

like to occur there. We have done a great deal to help that nation

establish itself, and we want to continue to utilize our resources

wisely, but this was a surge and we need to evaluate the situation in

September.

What I would urge my colleagues on the other side to do, even though

they may be concerned about it, in the debate on the Defense

authorization bill, and perhaps the Defense appropriations bill that

will occur later on this summer, we ought not to utilize rhetoric and

language that undermines what our soldiers are doing right now, what we

directed them to do, and what we have funded them to do, and that is to

help create stability and more security for the people of Iraq. We

ought not to debate in such a way that it makes it harder for them to

succeed.

Don't we all want that to occur? Don't we all want to see a stable,

decent Iraq occur? They have had elections, but they are having a very

difficult time bringing that country together in a stable fashion, as

we all know. So I would encourage my colleagues, in the course of the

debate, that we conduct ourselves in such a way that we don't place at

greater risk our soldiers and that we don't make our foreign policy

that we have in a bipartisan way authorized more difficult to achieve

and provide any ability for the enemy to think that they are able to

prevail by lack of resolve on our part.

I want to spend a few minutes talking about the immigration bill that

is before us. I think it is a critically important piece of

legislation. The American people are concerned about it. They are

following it quite closely. They know we have a difficult time in Iraq,

and they do not expect an easy solution there. They know we have

difficulties with energy prices and other difficulties, and they want

us to do what we can in that regard.

With regard to immigration, they are rightly of the view that we can

do something about it. We can create a lawful system of immigration

that serves our national interest if we desire to do so. If we, as a

Congress and the executive branch, want this to happen, we can make it

happen. Don't let anybody suggest otherwise. It is not impossible. It

is absolutely possible, and we ought to be working on that. That is

what they have asked us to do, and I hope we will.

Let me just mention the debate so far has been sporadic and

desultory. Members have not had a chance to be very engaged in the

matter. We were off last week for Memorial Day, but the week before

that we were in debate on the bill. The week before that, the old bill,

last year's failed bill, was introduced and sat on the calendar until

Tuesday morning of the week before the recess. They then plopped down a

complete substitute, a completely new bill last Tuesday.

On Monday, we talked about immigration. I talked about it at some

length, but there were no Senators here, really. The only vote we had

was on the motion to proceed to the new bill. We had a mere six roll

call votes last week, and we didn't do anything Friday even though we

were in session. A few hardy souls, myself included, came down and

spoke, but nobody was here to really listen. There were no votes, and

most Senators had already gone home for the recess.

Here we are again, now on the Monday after recess, with very few

Senators here and no votes scheduled for today. All of these days

though, even though we did not do anything, are going to be counted,

you see, as time we spend analyzing and amending the immigration bill

that is before us.

I suggest that at this painfully slow pace of amendments, the bill

can't be done this week, that we need a great deal more time on this

bill before final passage.

The way the bill was brought up was that our colleague, Senator Reid,

under rule XIV, just introduced it and immediately brought it up. It

did not go to committee. It was brought straight to the floor. It

really had only been written over the weekend, and, bam, here it was on

the floor. Senator Reid really wanted to pass it the first week it was

on the floor, but there was a lot of push-back on that, and now we are

into this week of debate.

I see from his comments today that the majority leader seems to think

the bill can pass this week. I suggest it cannot. There is no way it

can be done in a week. I think 100 amendments have been filed. To get

one brought up, though, is not easy. You have to basically get the

consent of the majority leader to get an amendment brought up and made

pending. So there are not nearly so many pending as there are problems

that need to be fixed.

There are flaws in the legislation. I am going to talk about those at

some length. I will be talking about at least 20 serious flaws in this

legislation, but I do not want that to suggest that flaws alone are the

only problems with the legislation. In this bill, we do not have a

principled approach to the future flow of immigrants into America, that

is not a loophole, that is a major flaw. We have not thought through

philosophically what we want to do about immigration. We have not made

the real commitment I had hoped we would to a more merit-based, skill-

based immigration system. I am concerned about all of that. I think the

American people are too.

The administration and Senator Kennedy and the others who promoted

the legislation talked about some principles as a part of talking

points they handed out as the foundation for immigration legislation

they would be offering. I first say to my colleagues, the bill does not

meet the promises contained in those talking points and those

principles. It just simply does not. If it did, we would be in much

better shape than we are today, because many of those principles were

sound. It contains, as I will note, a host of fundamental, serious

defects and flaws that make the legislation not one that ought to be

passed now.

Finally, I still do not believe the White House and the Congress have

heard the American people. They still think we can pass a piece of

legislation here on the floor of the Congress, and we can push it

through and get it off

our plate, and it will be some years before the American people find

out this will not work either, anymore than it did in 1986, and it will

be up to the next President, or the next President, and they will be

the ones who will have to answer for it, but we will not pay a price.

That is just the way they think it is going to be.

Although I believe the American people deeply and strongly and

intelligently are committed to a lawful immigration system that is

compassionate and will work, I am not sure the leadership in the

Congress is, or the White House. Indeed, we have not had a President

committed to enforcement of immigration laws in the last 40 years.

Those are the fundamental questions I have.

Let me talk about some of the loopholes. With regard to the trigger,

in 1986, amnesty was given. No one disputed it. They said it would be

the last amnesty we ever had and that enforcement would occur. Promises

were made about enforcement. Those promises for enforcement in the

future were never kept. That was the problem. We had 3 million people

claim amnesty in 1986; today we have, they say, 12 million prepared to

claim amnesty in the United States today. What happened? The promised

enforcement did not occur, so more people came illegally.

Some will say you cannot really enforce immigration law. Of course

you can enforce immigration law; we just have not been willing to do

the things necessary to do that. I reject that concept. But this time

bill supporters are saying if we give amnesty, we are going to try to

ensure the enforcement does occur and we are going to do that by having

a trigger mechanism. This enforcement mechanism will say if you do not

comply with the requirements of Border Patrol agents and fencing and

other matters, if you do not comply with those, Mr. President, the

amnesty does not occur.

That idea made some sense. People believed that was a good idea. I

think I originally suggested it in committee last year. Senator Isakson

offered a full amendment on the floor in the last year's debate--that

amendment was defeated, so last year's bill did not include a guarantee

to have any enforcement first. Why would the trigger fail last year?

Why would it fail? Does that suggest some people are not serious about

enforcement? I think it does.

But look at this trigger this year. The guys who were promoting the

bill last year opposed a trigger, no trigger they said--but this year

they say we will accept one, they are telling the American people not

to worry we are going to have a trigger this bill.

I want to briefly mention some things about it. The amnesty benefits

simply do not wait, under this trigger, for the enforcement to occur.

After the filing of an application by a person here illegally, under

this legislation, and waiting for only 24 hours, illegal aliens will

immediately receive probationary benefits. They will be lawfully in the

United States, complete with the ability to legally live and work in

the United States, to travel outside the United States and to return,

and to have their own Social Security card. That is what happens within

24 hours.

Astonishingly, if the trigger requirements are never met--that is

these requirements that are supposed to be met first--and green card

applications or permanent residents' applications are never approved by

the Department of Homeland Security, the probationary benefits granted

to the illegal alien population never expire, the cards issued to the

population are never revoked, and they will be able to stay in the

country indefinitely, forever maybe. After this bill passes, the

Department of Homeland Security has 180 days to begin accepting Z visa

amnesty applications. They will accept them for 1 year and can extend

to accept them for another year and so forth.

I ask unanimous consent for 1 additional minute.

I say to my colleague Senator Bingaman, there is not 30

minutes but an hour equally divided. I will be pleased to yield to the

Senator at this time and thank him for his amendment to contain the

guest worker--the temporary worker program that was in the bill as

introduced earlier, before we recessed. His amendment, as he knows--

although I am not sure a lot of people know--brought the new temporary

guest worker program from 400,000 a year to 200,000 a year. Some think

that is all it is. But if you read the bill carefully, you knew it was

400,000 for the first year and they got to stay for 2 years; another

400,000 for the second year with an accelerator clause in it, and for

both years a certain number got to bring in family members, so in 2

years there would have been almost a million people in the country

under that new temporary worker program--far more than it appeared on

the surface. I am glad the amendment of Senator Bingaman was agreed to.

I think it brought the numbers more in line.

I am pleased to yield the floor at this time.