

ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes. I believe Senator BINGAMAN wants to speak after that.

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

IRAQ AND IMMIGRATION

Mr. SESSIONS. 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.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. I ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. 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.

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

IMMIGRATION REFORM

Mr. BINGAMAN. Mr. President, first, I thank my colleague from Alabama for his strong words and strong support for the amendments we offered a few weeks ago on the guest worker program. Let me thank my colleague from Alabama for his support particularly for that amendment 2 weeks ago.

I want to take a few minutes in morning business today, before the Senate gets into its busiest period of the week—which we all know begins on Tuesday, usually—to talk about two other amendments I have filed to this bill, and I hope I will have a chance to have the Senate vote on before the bill is completed.

Let me first talk about one of those amendments that is addressing a provision in the immigration bill that I think is impractical and I don't think makes any sense, the provision I am trying to correct.

Before addressing the specific provision, let me once again put this in context. This bill, the underlying legislation, calls for three so-called temporary worker programs. There is an agricultural temporary worker program, and I am not suggesting any change to that program. That is part of the underlying bill. There is a seasonal temporary worker program, where people can come in for up to 10 months and then have to leave the country for 2 months and then come back the next year. That one I do have a second amendment on, which I want to talk about in a minute. Then there is the new temporary worker program that was the subject of my amendment 2 weeks ago.

Let me briefly describe how this third so-called temporary worker program works. It contemplates a new guest worker program. It says guest workers would be permitted to come to this country and work for 2 years. At the end of the 2 years, they have to leave the country for a year. Then that same worker could come back for another 2 years and then leave the country again for another year; then come back and work 2 more years and then have to leave the country permanently. So over a period of, I guess it would be 9 years—during that period the worker could be here up to 6 years, but there would have to be two periods of a year each during which the worker was outside the country.

My amendment, which is cosponsored by Senator OBAMA, would remove the requirement that guest workers leave the United States before they renew their visas to work under this program. It would not modify the total period they could stay here, which would still be limited to 6 years. It would not change the terms of their visa. But the amendment I am offering would provide that guest workers would be given a 2-year visa they could then renew twice and do their full 6 years of work and then their visa would no longer permit them to stay.

Requiring these workers to leave the country for a lengthy period of time between each 2-year work period is a problem for several reasons. It is bad for the employers, first. It is also bad for American workers who might also want to have some of these jobs—and these are generally construction type jobs. These are not agricultural jobs. These are not jobs for teenagers in seasonal employment.