

It was sort of a gesture because it was not an effective piece of legislation.

This year's bill is better than last year's, although I have been disappointed to see that it has backed up on some issues of significance. I still would say the framework of this year's bill is a good bit better than last year's. Last year's bill should never, ever have become law. It was fatally flawed.

So what were the principles that the promoters of this legislation said should be occurring here? They said we need a lawful system, that we wouldn't have amnesty and that there would be a trigger, which was rejected last year, a trigger and a number of other things they cited as key component principles of a good immigration bill. All right. I agree with that. Many of those principles were sound. But as we read the fine print, our concern is—my fine staff, they have worked hard, including weekends. They get the bill at 2 a.m. Saturday morning. They work Saturday nights and Sunday nights and here we are on the floor of the Senate. The thing does not even get introduced until Monday night, and nobody has had a chance to read it until then. So it is a big problem.

My fundamental concern then is that the bill does not live up to the stated principles that it contains. So what we need in reform are a number of things. We need to recognize—unless anyone misinterprets this—we need to recognize we are indeed a Nation of immigrants. We are. Some people don't believe that, but I don't believe there is a Member of Congress who doesn't understand that. We want and will have a continuing flow of new people into our country, and it enriches us and has proven to be one of our strengths as a Nation. I think we need to restate that again and again and that immigration will continue in the future and that we are going to treat compassionately, even generously, people who have broken our laws and come into our country illegally. But we must do it in a way that minimizes the damage that will be done to our legal system and our ability to enforce the law in the future.

My colleagues have been involved in law enforcement and you get busy and you start giving people immunity for this and that crime repeatedly and people begin to believe you are never going to enforce it. At some point in the future, you get to the point where you would not be able to enforce it. On the floor, I think maybe yesterday, Senator GRASSLEY from Iowa, who is such a great Senator, such a direct speaker, asked this question. He said he was here in 1986 when they promised no amnesty. He is very concerned because it didn't work and he felt responsibility for that. He was not going to be a part of new immigration legislation that doesn't work such as the 1986 legislation. He said: In 1986, they said we are not ever going to have amnesty again, and he asked this question: Have

you heard any of the promoters of this legislation say we will not have amnesty again? He said: You are not going to hear them say that. That is one thing you would not hear because after—because if we give amnesty again, what good is it to even say we are not going to do it? Because what principle, what basis on which to stand will we have 10, 12, 15 years from now when several million other people are in our country legally and someone says they are here illegally, why don't we enforce the law and ask them to go home. Oh, well, you gave amnesty before. You gave amnesty in 2007, you gave amnesty in 1986. How can you enforce the law now?

So to not understand as a matter of law and principle that once again, taking the easy amnesty step will make it almost impossible in the future for us ever to enforce the law is a mistake.

I read the debate in 1986—a lot of it. It went just like that. People said: One-time amnesty. We have to do this. Own-time amnesty. The others said: Well, we are not sure about this. We think if you have an amnesty and you wipe out the laws that we had here and the violations that have occurred, you are liable to increase the threat in the future that more people will break into our country illegally on the expectations that they, too, after a period of time, will be allowed to stay legally. If you read that debate, you will see whose predictions were correct. I have to say that. I have to say that.

So I think the Z visa program that allows people who come here illegally to stay here illegally, to come out of the shadows with some sort of status, but not, I would suggest, as it is now written giving them a guaranteed path to receiving every single benefit that accrues to people who come legally, I don't think we should do that. That is my principle. If you didn't follow the rules, somehow, it ought to be clear that you will never get every single benefit of citizenship and participation in America than if you waited in line. If you give up on that principle, we have a problem. So I think if we had the courage and the firmness and the strength in this Senate and would listen to the American people, we would say the principles of 1986 are going to be affirmed. OK. We will figure out a way you can stay, your children can be citizens, you can have all the protections of the laws of our country but not every benefit of citizenship, and we will never, ever again do that. If we give away that position, I think we have a problem.

So what I would like to talk about is some of the loopholes in this bill. I talked about the loopholes last year in the bill and there were quite a number of them. This is not an exhaustive list. You heard Senator ALLARD earlier this morning make comments about the weaknesses in the legislation, and you heard Senator CORNYN point out some weaknesses in the legislation. I have identified 15. We certainly would not be

able to talk about all those this morning that I wish to talk about, but there are many more. It is troubling that we might not be able to have an opportunity to fully amend the bill to fix these loopholes.

Our old buddy, Bill, the ideal way that laws should be written in America, well, he has been forgotten in this process. I will tell you what could happen in the House of Representatives. I don't think they are having any serious hearings over there. This bill could hit the House of Representatives if it came out of the Senate—and it may well come out of this body—it could hit the House of Representatives. They could call it up. They don't have unlimited debate. They don't have a very strong ability to cut off debate. They could vote the bill out. It could go to conference. The conferees will be chosen and controlled by Senator REID, the Democratic leader, and the Speaker of the House, NANCY PELOSI, and they will appoint the people they want to fix any differences in the bill, and they can make virtually any changes they want to. Then the bill is on the floor, and it is either up or down, and it might pass. As one Member of the House said about whether President Bush would sign it, he said President Bush would sign a pork chop if it had immigration reform on it. We have to be careful what we do and what is in this bill.

It can affect what is actually going to become law. There is no passing this off to the House of Representatives, like last year, as if that was going to fix many of the problems that were in the legislation. The House is liable to make it worse. Well, you have heard one of the principles in the bill.

I am glad to hear Senator MCCAIN say there was a trigger in the legislation. He resisted a trigger last year. We had quite a debate on it. Those opposing it last year said you cannot have a trigger because all of us who met and wrote the bill don't want a trigger; you will upset our compromise. I asked then—and I ask today—who was in this compromise? Did you have public hearings? Were people allowed to do what you were discussing? Did La Raza get to put in their opinion? Did the U.S. Chamber of Commerce get to put in their opinion? Who all got to put in their opinion? They didn't ask my opinion—well, that is not totally so; I did talk to a couple of them, whom I expressed some opinions to. Fundamentally, that is just not an open process. Sometimes you can do something like that as a tough nut to be cracked, and people have to make a decision. But this is too big, too broad, too much policy. The American people are too concerned about it, and it is too important to be settled that way.

Let me tell you what the trigger was about. I offered in the Judiciary Committee last year—because it dawned on me that in Judiciary Committee, I offered an amendment to say: Let's add border patrol, and they accepted it. I