

A bill (S. 2467) to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

Mr. SESSIONS. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on today's calendar, Calendar No. 566. I further ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Randall L. Tobias, of Indiana, to be Administrator of the United States Agency for International Development.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 295

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order with respect to S. 295, the China currency bill, be modified to reflect a date no later than September 29, 2006, or the last day of the second session of the 109th Congress, whichever is earliest, and that all other provisos remain in effect.

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

ORDERS FOR THURSDAY, MARCH 30, 2006

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 30. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 1 hour with the first 30 minutes under

the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; further, that following morning business the Senate resume consideration of S. 2454, the border control bill, as under the previous order.

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

PROGRAM

Mr. SESSIONS. Today, by an overwhelming vote, we passed the lobbying bill. We now have turned to another important piece of legislation, the border control bill. We will be working on this bill for the remainder of the week and into next week. Under an agreement we entered this afternoon, tomorrow we will have more debate on the bill and Senator SPECTER will offer his substitute amendment at noon. Votes are expected tomorrow, and we will alert everyone when a vote is locked in for a certain time.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. On behalf of the majority leader, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DURBIN for up to 30 minutes.

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

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, I want to thank my colleague from Alabama for coming to the floor and addressing one of the most important bills we will consider this year, the question of the immigration system in America. My colleague and I may disagree—and we do disagree—on the substance of this bill, but I thank him for engaging the Senate in this conversation and dialogue. It is important that the American people know what we are about, and they should also know that we are taking our time to do it right.

I am a member of the Senate Judiciary Committee with the Senator from Alabama. We spent a lot of time on this bill, as we should have. It is a big challenge. I am not sure it is perfect. I think we can make it a better bill. But I am certainly pleased that the bill we brought to the floor is a balanced approach.

The one thing I like about it is it starts in the same place as many of its detractors want us to start, and that is to make sure that we have enforcement in this country. There should be laws; they should be enforced. That means we should do more, put more resources and more effort into making certain that our borders are not porous. It is a challenge. During the course of any given year, I am told that 300 million people pass between the United States

and Mexico. The vast majority of them are doing it legally. But at the same time, there are people crossing that border into the United States illegally. We need better border enforcement, smarter border enforcement, using the best technology available today. Some of the suggestions we have heard I think are perhaps in answer to a problem of 100 years ago, but building a wall around the United States is hardly going to stop the immigration problem.

Over half the people currently in the United States undocumented did not enter illegally across the border. They came here legally, and because their visas expired or there were other circumstances or changes in the paperwork that they filed with our Government, they are not presently documented or in legal status. So this concept of building a fence or building a wall seems to me to be nothing more than a symbol—perhaps an unfortunate symbol—for a country as great as America.

Let me say a word or two about the bill that is going to be debated on the Senate floor for several days, perhaps through next week. It is a bill which addresses our immigration system in America. Most everyone agrees: This system needs to be changed. It is not fair. It is not a system that we are proud of because it doesn't deal with the serious issue of how many people are in the United States not in legal status—undocumented people.

One of the comments made several times during the course of the debate by my colleague from Alabama was that the bill coming out of the Senate Judiciary Committee creates amnesty. What is amnesty? Very simply, if you have been charged and found guilty of a crime, an amnesty says: We forgive you. We are not going to hold you responsible for your crime. There are things that you can do to pay your price to society for the crime you have committed. If you pay that price, people say: Well, that isn't amnesty. You have extracted some cost for the crime that has been committed.

Let me remind my colleague from Alabama what this bill does that comes to the floor.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from today's New York Times of March 29, 2006, entitled, "It Isn't Amnesty."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

IT ISN'T AMNESTY

Here's one way to kill a cow: take it into the woods in hunting season, paint the word "deer" on it and stand back.

Something like that is happening in the immigration debate in Washington. Attackers of a smart, tough Senate bill have smeared it with the most mealy-mouthed word in the immigration glossary—amnesty—in hopes of rendering it politically toxic. They claim that the bill would bestow an official federal blessing of forgiveness on an estimated 12 million people who are living here illegally, rewarding their brazen crimes and encouraging more of the same.

That isn't true. The bill, approved by the Senate Judiciary Committee in a 12-to-6 vote on Monday, is one the country should be proud of. Four Republicans, including the committee's chairman, Arlen Specter, joined eight Democrats in endorsing a balanced approach to immigration reform. The bill does not ignore security and border enforcement. It would nearly double the number of Border Patrol agents, add resources for detaining illegal immigrants and deporting them more quickly, and expand state and local enforcement of immigration laws. It would create a system to verify workers' identities and impose tougher punishments on employers who defied it.

But unlike the bill's counterpart in the House, which makes a virtue out of being tough but not smart, the Specter bill would also take on the hard job of trying to sort out the immigrants who want to stay and follow the rules from those who don't. It would force them not into buses or jails but into line, where they could become lawful residents and—if they showed they deserved it—citizens. Instead of living off the books, they'd come into the system.

The path to citizenship laid out by the Specter bill wouldn't be easy. It would take 11 years, a clean record, a steady job, payment of a \$2,000 fine and back taxes, and knowledge of English and civics. That's not "amnesty," with its suggestion of getting something for nothing. But the false label has muddled the issue, playing to people's fear and indignation, and stoking the opportunism of Bill Frist, the Senate majority leader. Mr. Frist has his enforcement-heavy bill in the wings, threatening to make a disgraceful end run around the committee's work.

The alternatives to the Specter bill are senseless. The enforcement-only approach—building a 700-mile wall and engaging in a campaign of mass deportation and harassment to rip 12 million people from the national fabric—would be an impossible waste of time and resources. It would destroy families and weaken the economy. An alternative favored by many businesses—creating a temporary-worker underclass that would do our dirtiest jobs and then have to go home, with no new path to citizenship—is a recipe for indentured servitude.

It is a weak country that feels it cannot secure its borders and impose law and order on an unauthorized population at the same time. And it is a foolish, insecure country that does not seek to channel the energy of an industrious, self-motivated population to its own ends, but tries instead to wall out "those people."

It's time for President Bush, who talks a good game on immigration, to use every means to clarify the issue and to lead this country out of the "amnesty" semantic trap. He dislikes amnesty. Mr. Frist dislikes amnesty. We dislike amnesty, too.

The Specter bill isn't amnesty. It's a victory for thoughtfulness and reason.

Mr. DURBIN. Mr. President, let me quote from this:

The path to citizenship laid out by the Specter bill—

which is the bill that will come before us soon—

wouldn't be easy. It would take 11 years, a clean record—

no criminal record—

a steady job, payment of a \$2,000 fine, payment of all back taxes, and knowledge of English and civics.

Those are the things a person has to go through to reach the point where they are considered open for the possi-

bility of legalization. So it isn't as if we have wiped away the fact that some people are here illegally; we are making it clear that if they want to become legal in the eyes of the United States, there is a cost to it. It is a cost in commitment, and it is a long one.

So I think The New York Times has it right, and I think my colleague did not have it right. This is not an amnesty. I don't support an amnesty. There are some who do, but no Members of the Senate that I know of are suggesting an amnesty. Instead, we have set up a process. First, enforce the laws at the border and through employers. Second, say to those people who are here: If you are prepared to go through a lengthy, involved, and demanding process, we will give you a chance to be part of America. I think that is the only sensible way to approach this. If we don't start with that possibility, that a person here who wants to call America home permanently can reach that goal legally, what will bring that person out of the shadows? If a year from now or 2 years from now there are still millions of Americans whom we don't know by name, by address or by occupation, we will not have addressed the problems with immigration, and America will not be as secure as it should be.

The process we are putting together will bring these people out of the shadows, into a process where they are disclosed, known to the Government and all others, if they are to stay in the United States. I think that is the only way to approach this sensibly.

There is another part of the bill which my colleague from Alabama addressed which is near and dear to me personally. It is a piece of legislation which I introduced several years ago with Senator HATCH of Utah, reintroduced recently with Senator HAGEL of Nebraska, a bipartisan bill known as the DREAM Act. This part of the bill addresses those who are minors, who were in the United States undocumented.

There is one thing we all should agree on: Adults who enter our country illegally are responsible for their actions. They should be held accountable. That is what the bill does. But undocumented children are different, and I think they should be treated differently. Unlike undocumented adults, children brought here by their parents are too young to understand the consequences of their actions. We are not a country that punishes children for the mistakes of their parents.

Listen to what the Supreme Court said in *Plyler v. Doe*, and I quote:

Those who elect to enter our territory by stealth and in violation of our law should be prepared to bear the consequences, including, but not limited to, deportation. But the children of those illegal entrants are not comparably situated. They can affect neither their parents' conduct nor their own status.

Now, unlike many undocumented adults and all foreign student visa holders, these young people have lived

in this country for most of their lives. It is the only home they know. They have assimilated into American culture. They have been acculturated into American society. They are American in virtually every sense of the word except their technical legal status. Think about it. A child brought into the United States by parents at an early age of 1 or 2, in the United States for 16, 17 or 18 years, still has not reached legal status by virtue of living here, by going to school here, by participating in America. They are still undocumented. If we give foreigners on student visas—those who come to go to school in the United States—a chance to obtain legal status after only a short time in this country, surely we should extend the same opportunity to young people who have grown up here and show a promise to contribute to America.

Under title VI of the chairman's mark which we considered in the committee, an undocumented individual could have qualified for gold card status if they were working in January of 2004, but a person who wasn't working on that date because they were too young or in school wouldn't qualify, no matter how long they lived here. We addressed that. The chairman's mark was not adopted by the committee. A different approach was addressed. And the committee adopted the provision I am talking about today, the DREAM Act.

The DREAM Act would address the situation of many young people. It would permit undocumented students to become permanent residents if they came here as children, if they are long-term U.S. residents, if they have good moral character, and attend college or enlist in our military for at least 2 years.

During the 108th Congress, the Senate Judiciary Committee marked up this DREAM Act, and it was voted out by a vote of 16 to 3, a strong bipartisan vote. Compromises and changes were made.

It is unfortunate that the Senator from Alabama, when he spoke about the DREAM Act earlier, did not make reference to the current version of the law. There were three things in particular that he said that were not accurate, which I would like to clarify for the RECORD.

First, the path for a young person to become an American citizen involves education or military service. It does not include community service, which the Senator mentioned earlier.

Second, those students who go on to college, if they are allowed to by the States where they reside, and receive in-State tuition, that is strictly a State decision. They would not be eligible for Pell grants, the grants of Federal funds to college students. We eliminated that.

The Senator from Alabama referred to Pell grants earlier, but that provision was eliminated from the DREAM Act.

Finally, the number of students who are likely to benefit from this and be involved with our colleges is dramatically less than the number quoted by the Senator from Alabama. He said it is likely—I quote from his statement on the floor:

Sixty-five thousand students would enroll during the first year.

We have a recent report from the Congressional Budget Office. Their estimate is that about 13,000 students might enroll during the next academic year. And they go on to say it is unlikely because they are probably going to be community college students, that they would be receiving substantial amounts of Federal assistance as students.

So those three points made earlier by the Senator from Alabama were not accurate. They do not describe the current law as passed by the Senate Judiciary Committee. I think the best way to describe what this is about is to tell you some of the stories of actual young people who have been affected by this.

A young lady named Theresa was raised in Illinois. She is an amazing young lady. She came to the United States when she was 2 years old. Her parents brought her here from Korea. Her mother is the family's only bread winner, and she works at a dry cleaners in Chicago.

If you know that great City of Chicago, which I am honored to represent, 85 percent of the dry cleaning establishments are owned by Korean Americans. They are wonderful, hard-working people. They are there from the crack of dawn until late at night, 6 and 7 days a week.

Her mother is one of those people. She raised Theresa, and realized at an early age that Theresa was an extraordinary young girl. She had musical talents that none would have imagined. She began playing the piano when she was 8 years old. She became a musical prodigy, winning the Chicago Symphony Orchestra Youth audition. The top music schools in the United States recruited Theresa. They wanted her as a student.

She only learned when she applied to the schools that she had a problem, and the problem is this: When her mother brought her to this country her mother never filed any papers. So Theresa is an undocumented person in America. She is here illegally. Now, at the age of 18, after having lived here all of her life since she was 2, she discovers it, and she calls my office—her mother did—and said: What can be done?

She started filling out the application for the Juilliard School of Music, and they put a question in there on citizenship. She said: I do not know what to put down. We had better call.

They called my office. We asked the Immigration and Naturalization Service. They said she is undocumented. She is here illegally. I said: What can be done? We want to get this young girl on the right track to become an accomplished musician. We know she will be.

They said: There is one thing she can do. She can go back to Korea.

Go back to Korea after 16 years? That was the only alternative available to her.

Luckily, she has gone on to school without financial assistance, incurring a lot of debt in the process. She is in this gray shadow world of people who are undocumented living in the United States—a young woman who will undoubtedly be a great contribution to America's culture at some point in her life. She still does not know what her future holds. She is not the only one.

One of her music teachers told me about her. She said: I worry that our country, the richest and most blessed in the world, will not permit this very large talent to be developed. We are not such a rich land that can throw away the talents of our children.

Theresa is among the lucky ones who went off to college at great financial sacrifice. But she is one of the people I am talking about. Theresa is not alone. There are thousands like her. They turn out to be honor roll students, star athletes, talented artists, valedictorians, aspiring teachers, doctors, scientists, and engineers. They follow the rules and work hard in school. And they beat the odds.

Fifty percent of the Hispanic students in high school in America today drop out. They do not finish high school. They and others who are from other countries have to struggle with culture and language, and many of them give up. But the ones who don't give up are exceptional people.

Let me tell you about another one, Dianna, whom I met, a very bright young lady. She went to high school in Chicago and aspired to become an architect. That was her dream. She entered contests, was an honor student in high school, won competitions statewide in Illinois to move on toward architecture. She graduated from high school with a 4.4 out of 4.0, applied, and was accepted at Northwestern University to become an architect, a dream come true.

Then it was discovered that she was undocumented, the papers had not been filed. She had been here all her life but still was not a legal American, living in the United States. She couldn't get financial assistance to go to that great university and instead had to go to another school where she is pursuing her education at great expense but worries that the day will come when she wants to be licensed as an architect and she cannot be because she does not have legal status. She is not documented.

Those two young women I just talked about are classic examples of why the DREAM Act is important.

Would America be a better place if those two girls left, if we didn't have the architectural skills of Dianna or the musical skills of Theresa or the other student who came up to me in the streets of Chicago and said: Senator, I finished high school and then I went to college and paid for it all on

my own because I can't get any financial help. I want to be a teacher. I want to teach in the schools of Chicago, the public school system. I can't be licensed as a teacher because I am undocumented.

Would we be better off if that young man who came up to me left America? I don't think so.

In many respects, these young people, like our own children, are our future. They are our hopes. What we do with the DREAM Act is say we are going to take this group of students and give them a chance. Here are the conditions: They have 6 years under the DREAM Act. A student could obtain conditional legal residency for 6 years if the student has been continuously present in the United States for at least 5 years prior to the enactment of this law, was under 16 years of age when he entered the United States, has graduated from high school or obtained a GED in the United States or has been admitted to an institution of higher education in the United States, can demonstrate good moral character, is not inadmissible or deportable under specifically enumerated grounds.

The student could obtain legal permanent residency if within the 6-year conditional period he earns a degree from an institution of higher education or completes at least 2 years towards a bachelor's degree or serves honorably in the U.S. military for at least 2 years.

That is not amnesty. We say to that young person: We don't know the circumstances that brought you here. But if you have done a good job as a student, if you were prepared to continue your education to contribute to America, if you are prepared to serve America in our U.S. military and risk your life for this country, we will give you a chance to be a citizen. You have to earn it. It is not free. It is not amnesty. It is not unconditional. We put these provisions in the law.

I think that is a reasonable thing to do. I think otherwise we are going to waste talent, talent that America needs among the thousands of students who may be helped by the DREAM Act. They may be a doctor who will treat your child in the future. They may be a researcher who will help advance the cures in medical treatment. They may be an engineer who will help us find new composite metals that we use for a space program. The possibilities are limitless because opportunity is limitless in America.

Why would we want to walk away from these kids? Why would we want to turn our backs on them?

Finally, I say to States across America that you decide how to treat these students. Many States like my own have already decided, but you decide whether these undocumented students will be eligible for instate tuition or out-of-State, which is more expensive. But each State makes the decision. That is a change in the Federal law, but it is a change that States can make without a Federal penalty.

I received a letter of support for the DREAM Act from a group of Americans who lost loved ones in the September 11 terrorist attacks. Here is what they wrote me:

We will all be safer if we unite against terrorists, and if our immigration system can be made more rational and reflective of our values as a Nation.

President Bush said the other day some words that I think are worthy of repeating on the floor of the Senate. He said:

It is true that we are a Nation of laws, but we are also a welcoming Nation. We are a Nation of immigrants.

I stand before this body, as I have said many times, so proud of the fact that my grandmother and grandfather had the courage to pick up and leave a tiny little village in Lithuania in 1911. My grandmother picked up my mom, a 2-year-old infant, and brought her and my aunt and uncles on a boat from Germany to Baltimore, MD, where they caught a train and went to St. Louis, MO, and then crossed the river into East St. Louis, the town where I was born.

My grandfather worked in the steel mills, packinghouses, and the stockyards—did things that all immigrants did, the hardest, toughest, dirtiest jobs. He kept the family together.

My mother made it to the eighth grade and then went to work, as young

women did in her era, and then was married to my dad and applied and became a naturalized citizen.

I have her naturalization certificate in my office today. I am very proud of it. Today, her son is the 47th Senator in history from the State of Illinois. It is an American story, our family story. And it is a story repeated over and over again.

Some of the children who will be helped here, some of the young people who will be helped here, will make extraordinary contributions to our country. I can't even predict what they will be. But would we be a better nation, a stronger nation by turning them away, telling them to go back to Korea and Mexico and Ireland and Poland and all the places they have come from? I don't think so.

I think the letter from the families of the September 11 victims says it all. We need to have an immigration system that reflects our values as a nation. We shouldn't deport extraordinary people like the ones I have described. They will make America a better place. We should extend a welcoming hand and an opportunity for them to earn their way into legalization in America. That is what the DREAM Act will do.

I urge my colleagues, when they consider this bill as it comes to the floor, to support this legislation and the DREAM Act provisions.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. tomorrow morning.

Thereupon, the Senate, at 8:11 p.m., adjourned until Thursday, March 30, 2006, at 9:30 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar under the authority of an order of the Senate of January 20, 2005:

Eric M. Thorson, of Virginia, to be Inspector General, Small Business Administration.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, March 29, 2006:

UNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

RANDALL L. TOBIAS, OF INDIANA, TO BE ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.