

for up to 25 minutes in morning business.

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

### DREAM ACT

Mr. SESSIONS. Mr. President, I understand it is likely the majority leader will seek to bring up the DREAM Act in a day or two. This is a very bad piece of legislation, and it is being presented at a time when we have massive illegality at our borders.

One of the fundamental things that separates America from the other nations of the world is our commitment to the rule of law. We enforce our contracts and our statutes. We punish corruption. One of the great advantages this Nation has over others is the degree to which there is integrity in our process here. We protect the rights and privileges of citizenship. We know one of our most unique and valuable characteristics is our legal system.

Law is a necessary condition for a free society. Freedom cannot flourish in chaos. Prosperity cannot arise in an uncertain environment. Yet we have allowed our borders to descend into chaos and lawlessness. For decades, we have failed to uphold the rule of law. We have failed to protect the integrity of citizenship in America and the law.

Even now, in a post-9/11 world, we still lack control over who comes into our country. Every day, guns, drugs, unknown people, unlawfully pour across our broken border.

The consequences of the government's failure are felt keenly by those living in our border States. Ranchers living on U.S. soil must confront the chaos as a reality of daily life. They are denied the peaceable possession of their private property. Phoenix, the capital of Arizona, is now known as one of the kidnapping capitals of the world.

Yet it does not have to be this way. With enough will and determined execution of a carefully developed plan, executed by a President and supported by a Congress that has as its serious goal the elimination of this illegality, it will be successful and can be successful in just a few years.

It is not impossible. That is what the public wants and this is what our political leaders have obstinately refused to do. Americans are willing—and I am certainly willing—to consider some sort of status for those who have peacefully lived and worked in our country for some extended period of time, but only after we have secured the border. As long as you continue to provide amnesty for people who come into our country and stay here for a period of time, you incentivize further illegality.

Well, this is because passage of amnesty bills, such as the DREAM Act, is an immediate reward for the illegal entry, with no serious plan to stop the illegal flow. Indeed, the legislation incentivizes the flow or the entry of people into our country illegally.

What does this type of legislation say to the rest of the world and to anyone

thinking about coming illegally? It says if you can get in the United States and hang on for a number of years, sooner or later we are going to reward you by forgiving your illegal behavior and putting you on a path to citizenship. That is not the message we need to send.

The public will not allow us to repeat the mistakes of the 1986 amnesty. We have discussed that so many times. They will not fall for the ruse that we can have amnesty first and security later. They understand that if we do not secure the border first, we may never secure it at all. We certainly have not done so as of this date.

Despite this—and despite historic losses in the recent election—the Democratic leaders of this Congress are now pushing a reckless proposal for mass amnesty known as the DREAM Act.

At a time when our Nation is struggling with high unemployment and runaway government spending, the bill would authorize millions of illegal workers and impose an even greater burden on the taxpayers. Making matters worse, those eligible for the DREAM Act amnesty include illegal aliens with criminal records. And all of this is being rushed through a lame-duck Congress with no committee review.

The Democratic leaders have even introduced four versions of the same bill in just over 2 months—3 in the last 13 days. It has been a shell game that abuses the legislative process. Is it any wonder that the American people have lost faith in this institution?

Americans want us to enforce the laws, but we are considering a bill that would reward and encourage their violation. Americans want Congress to end the lawlessness, but this bill would surrender to it.

Consider a few of the DREAM Act's most troubling provisions:

First, the DREAM Act is not limited to children. Illegal aliens as old as 30 or 35 are eligible on the date of the enactment of the bill. And they remain eligible to apply at any future age, as the registration window does not close. You do not need a high school diploma, a college degree, or military service in order to receive amnesty under the DREAM Act as proposed.

Illegal aliens can receive indefinite legal status as long as they have a GED, the alternative to a high school diploma. They can receive permanent legal status and a guaranteed path to citizenship as long as they complete just 2 years of college or trade school.

One version of the DREAM Act offers illegal aliens in-State tuition for which many Americans are not eligible. All four versions provide illegal aliens with Federal education benefits, such as work-study programs, Federal student loans, and access to public colleges that are already short on spaces and resources.

The Congressional Budget Office is the entity that gives us technical data

about legislation. It is a pretty objective group. It is hired by the Democratic leader, the Democratic majority, but I think most of the time they try to do the right thing. They say the bill would add \$5 billion to the deficit. But that number really, I have to say, is low. The CBO clearly failed to account for a number of major cost factors associated with implementation of the DREAM Act. Of course, they haven't had much time to make this analysis since the most recent version was introduced just 5 days ago. The CBO fails to account for unemployment, public education cost, chain migration, and fraud. Furthermore, it did not take into account what history has proven: passing amnesty will incentivize even more illegality and lawlessness at the border.

In addition, the CBO assumes a large portion of these individuals will obtain jobs, but there is no surplus of job opportunities in American today. Unemployment just went up from 9.6 to 9.8—almost 10 percent. It has remained high for an exceedingly long period of time. The economists are telling us we are going to have to look forward to much higher unemployment than we have been used to in the past. Well, nobody is scoring the fact that many American job seekers will not get a job if large numbers—a million or more—of illegal aliens are converted to legal status and start competing for jobs, and perhaps denying them that job, which may have good benefits and good pay.

Conservative estimates say that between 1.3 and 2.1 million illegal aliens will be immediately eligible for this DREAM Act amnesty, but that number will grow significantly as the bill has no cap or sunset to it. Moreover, those who obtain legal status can then petition for their relatives. Under the DREAM Act, illegal aliens are put on a path to citizenship—first they receive conditional status, then legal permanent resident status, and finally citizenship. After they are naturalized, they can then, through the chain migration process, apply to bring in their relatives. Some of the people they might apply to bring in are likely to be the persons who brought them here illegally. As a result, the number of green cards granted could easily triple what is expected.

Many with criminal records will also be eligible for the DREAM Act's amnesty. They simply must have less than three misdemeanor convictions—under the Act, Congress is arbitrarily determining that two misdemeanors is OK while three is not so good. Those potentially eligible would include drunk drivers, gang members, and even those who have committed certain sexual offenses.

The most recent version of the bill also gives the Secretary of Homeland Security broad authority to waive ineligibility for even the most severe criminal offenders and those who pose a threat to our national security. Many such offenses include indecent exposure, DUI, smaller thefts, and drug

charges. Some of them are charged as felonies and very routinely reduced to misdemeanors. Two misdemeanor drug convictions won't bar you from being protected under this act and being able to have a guaranteed path to citizenship.

Those who commit document fraud or who lie to immigration authorities will be eligible for the bill's amnesty as well. This is particularly troubling as it contains a potential loophole for high-risk individuals placed on the pathway to citizenship. One of the warning signs we missed prior to 9/11 was the fraudulent visa applications submitted by the 9/11 hijackers. This bill would likely make it more difficult to combat immigration fraud from the dangerous regions of the Middle East where we have had an unfortunate history of abuse.

This DREAM Act even contains a safe harbor provision—very significant—that would prevent many applicants from being removed as long as their application is pending. If they have a serious criminal record, they would normally be subjected to deportation. This provision could dramatically hinder Federal authorities and will undoubtedly unleash a torrent of costly litigation that will suck up untold hours of our law enforcement personnel's time and ability and resources that ought to be focused on the border.

If somebody who has been apprehended for illegally being in the country or committing a serious crime can come into court and assert they have filed a petition under the DREAM Act, they can not be deported. This is really a problem because if a facility does not have enough bed space, what are we supposed to do? Are we now going to have investigators drop what they are doing and go out and try to prove that someone was here before the age of 16? Did they really have a GED or is that a forged document? How many criminal convictions do they have? This all has to be investigated now. It could take weeks or even months. So what happens? Are we going to keep those individuals in jail instead of deporting them? How much cost is involved in that? All of that is not counted in this process.

I just want to say that my experience in law enforcement is that there are not enough people to do those investigations and we are going to have millions of applications. How do we prove somebody came here at age 15 instead of age 18? How do we prove they have been here 5 years? How do we prove they came here 5 years ago and came at age 17 or 15 or 14? Who is going to investigate that and dispute it, if they submit a statement and say they have been here for 5 years? We have to take the time now to investigate all of that?

This is not what we need to be doing right now. We have more serious challenges to end the illegal flow. And for people who have been here a long time and who have otherwise been good citizens and have worked hard, we can fig-

ure out some way to deal with their future. But I do not believe this is the right step. It is not the right step.

In short, I believe the bill will be a disaster. Yet our Democratic leadership remains committed in their push for this amnesty provision. They are again defying the public will and sending the world a message that our Nation is not serious about the integrity of our borders and our laws.

American citizenship is the envy of the world, but central to our Nation's greatness is our respect for the rule of law. None of us that I am aware of in this Senate is proposing to in any significant way reduce the number of people who come to our country lawfully. Indeed, there are many provisions to increase the number who come lawfully. But the American people are rightly saying: We have to do something about the illegality. By eroding the respect for law through reckless and irresponsible amnesty provisions, we would do a disservice not only to the 300 million Americans who call this Nation their home but to all those future citizens who are applying and waiting in line to enter our country lawfully.

I feel strongly about this. Hopefully, this matter will not be proceeded with. We need to wrestle with how to bring our immigration system under control. We can do that. I have studied it for some time. I truly believe it can be done.

Senator MCCAIN from Arizona, who has been to the border a great deal, has said that within a year or two we can end this massive illegality. I have been saying that for a number of years. I truly believe it. But we need to focus on that, not focus on rewards for those who have entered illegally. That is why this legislation should not pass.

I thank the Chair. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### LIU XIAOBO

Mr. DORGAN. Mr. President, in China, as I speak, there is a man in a small prison cell lit by one single lightbulb. He has been in prison for 11 years in the country of China. On Friday of this week, in Oslo, Norway, he will be awarded the Nobel Peace Prize. His name is Liu Xiaobo. His wife has written me asking me to come to the Nobel Peace Prize presentation in Oslo, Norway, this Friday in honor of her husband. I am not able to go to Oslo this Friday. The Senate is going to be in session the rest of the week. I regret I can't be in Oslo for the awarding of

the Nobel Peace Prize, but I did want to take a moment to remember what is happening this week.

This is Liu Xiaobo. He is in prison in China. He has been in prison for 11 years. That is his sentence. I wish to describe why the Chinese have put Liu Xiaobo in prison. It is not the first time he has been in prison, as a matter of fact.

Let me tell my colleagues just a little about Liu Xiaobo. He was born in 1955, grew up in an industrial city in China's northeast. As a young man, he wanted to study literature, so he went to Beijing and he became a Ph.D. in comparative literature. He became a professor and dedicated his days to teaching and to writing.

By 1989, he had the good fortune to be allowed to travel abroad as a visiting scholar. He was at Columbia University in New York, in the USA, when the demonstrations began to grow in Tiananmen Square. He cut short his visit to Columbia University as a visiting scholar and returned home to China, joining students in Tiananmen Square in a hunger strike. Then, on the night of June 4, a scholar whom the students had grown to trust, persuaded a group of students to withdraw from the square to save their lives. That was Liu Xiaobo. Authorities in China labeled him a subversive and sentenced him to 18 months in prison.

Eighteen months later, upon his release, he was told he could neither teach nor publish. He described his plight then in these words:

Simply for expressing divergent political views and taking part in a peaceful and democratic movement, a teacher lost his podium, a writer lost the right to publish, and an intellectual lost a chance to speak publicly.

On his release in 1991 he continued to write and again he was placed under house arrest in 1995, then sent to a labor camp where he was detained until 1999.

In December of 2008, Liu Xiaobo called for political reform and was a supporter of something called Charter 08 in China. He was once again detained, then formally arrested, and then sent to prison for 11 years.

Let me describe what Charter 08 calls for. A group of people in China who want the expression of freedoms that are available to all of us had created Charter 08. It calls for the guarantee of human rights, an independent judiciary, the freedom to assemble, the freedom of expression, the freedom of religion, protection of private property—and so on.

So someone who advocates this and pushes for these kinds of reforms is now sitting in a small prison cell with a single light bulb.

On Friday, in Oslo, Norway, when they award the Nobel Peace Prize, there will be one empty chair on the stage for the man to whom the Nobel Peace Prize is being awarded.

There will be empty chairs in the audience because his wife is not allowed