

We have to do our job, and I hope we will. I am troubled to see a lot of things beginning to occur that indicate there is an agenda afoot here, at least by some, that would make it difficult, if not impossible, for us to get this work done.

For example, the first amendment brought up on the Defense bill—not a part of the committee bill but on the floor here—is to provide to enemy terrorists habeas corpus rights they have never been provided by any nation in history during a time of war and certainly not our own Nation. It is frustrating for me to hear people say we want to restore habeas rights to captive enemy combatants. If we did it, we should at least perhaps give priority to lawful enemy combatants. Most of these are unlawful enemy combatants who have not in any way followed the rules of war and therefore are not provided, in normal circumstances, the full protections of the Geneva Convention. So I am worried about that.

The President has said if that amendment passes, he will veto the bill. So what will we have done then? Are people in here going to have a good feeling about that—they made the President veto the bill—that we provide unprecedented rights to captives who are setting about to attack and kill Americans? We are releasing people from Guantanamo and have released quite a number of them. Quite a number of them have been recaptured on the battlefield trying to kill our sons and our daughters who are out there because this Congress sent them out there. So I think we need to get our heads straight.

Now, in addition to that, we have Senator DURBIN offering the DREAM Act amendment, an immigration bill, to this bill.

Senator KENNEDY says he intends to offer hate crimes legislation. These are controversial pieces of legislation, unrelated, really, to the Defense Department. They ought not be passed. They have been rejected before. Certainly the DREAM Act was.

Let me talk about this DREAM Act. It is something Senator DURBIN points out that I have objected to before. I have objected to it before when it came up in the Judiciary Committee, not in the Armed Services Committee.

The Durbin amendment, as filed as of the end of July, would do a number of things. It will, indeed, provide amnesty, the full panoply of rights we give to any citizen who comes here lawfully. It provides a full citizenship track and full rights for quite a number of illegal aliens, putting them on a direct path to citizenship. A conservative estimate done by the Migration Policy Institute suggests that at least 1.3 million will be eligible for amnesty. It will also allow current illegal aliens, those who would be provided amnesty under this bill, and future illegal aliens who come here after this day, illegally—hopefully, I thought we decided when the comprehensive bill was voted

down, the American people were saying let's end illegal immigration—it would provide for them to be eligible for in-State tuition at public universities, even when the university denies in-State tuition to U.S. citizens and legally present aliens.

It would reverse 1996 law that quite rationally said let's not reward people who are here illegally by giving them a discounted rate of tuition. How much more simple is it than that?

It would provide Federal financial aid in the form of student loans and work/study programs, subsidized by Federal money. It is unclear, it appears, whether Pell grants, direct Federal grants, are going to be provided to people in our country illegally, with which to go to college, whereas hard-working Americans, many of them, don't qualify for Pell grants—and we need to expand Pell grants. Why would we then be providing them to persons who would come into our country illegally?

They say they may have come when they were younger. Maybe they did. But if you have a limited number of persons to whom you can provide Pell grants or subsidized loans, I suggest they should be given to those who are lawfully here, not those who are unlawfully here.

There is an old slogan: If you are in a hole, the first thing you should do is stop digging. I suggest if you have a problem with people coming into the country illegally, the first thing you should do is stop subsidizing that illegal behavior by giving them discounted tuition.

The DREAM Act establishes a seamless process to take illegal aliens directly from illegal status to conditional permanent resident status, then to legal permanent resident status, and then the next step, of course, is citizenship. First, illegal aliens who came here before age 16 and have been here illegally for the past 5 years will be given "conditional" permanent residence, or green cards, if they have been admitted to an institution of higher education or have a GED, or have a high school diploma. The "conditional" green card, which is good for 6 years, will be converted to a full green card. A green card means you have a legal permanent residence status in America. In this case it would be a direct result of an illegal entry into the United States, or an illegal overstay. It will be converted to a full green card if the alien completes 2 years of a bachelor's degree or serves 2 years in the uniformed services. This is broader than the term "military service," as people have said. "Uniformed services," as defined by title 10, includes the National Oceanic and Atmospheric Administration Commissioned Corps and the U.S. Public Health Service Commissioned Corps, in addition to the military. Or they would qualify if they can't do those because of hardship.

After 5 years of "conditional," or full green card permanent status, the

aliens amnestied under the DREAM Act will be eligible for citizenship.

We are also expanding, through this amendment, if it is to be adopted, immigration into the country based on an illegal action in a number of ways. There is nothing in the DREAM Act that limits the ability of the illegal aliens who are being provided permanent status and citizenship here to bring in their family members. Once an illegal alien becomes a legal resident under the act, they can immigrate their spouses and their children. As soon as the illegal alien becomes a citizen, he or she will be able to bring in, to immigrate their parents to the country as a matter of right. So there is no numerical limit to the number of parents a citizen can immigrate into the United States. I think that is one of the flaws in our current law.

The reason that is important is because we are generous in immigration. We allow a million or more a year to come legally into our country. We do provide quite a number of generous provisions that allow people to come. But if you are allowing those limited number of slots—in effect, we have only so many that the country does allow and would desire to allow to come—we are providing parents of those who have been illegal to be able to come as a guaranteed right, whereas another who may have a master's degree, may have a high skill, may have learned English in Honduras and is valedictorian of their school or college—they can't get in. But they have an automatic right for a parent, who may have done far less in the scheme of things to justify taking one of those limited slots the country has to offer. That is why I am concerned about that.

We don't think about it in correct terms. We have to understand we cannot accept everybody in the world. We should create a generous system of immigration that allows people to come to America, but we ought to set up a legal system that we are proud of and that sets good standards, that allows a person to have the greatest opportunity to be successful here, to have more precedence in entry—which is exactly what Canada does, and Canada is quite proud of it.

In 1996, Congress passed this law:

Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State . . . for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act eliminates this provision that has been offered on the Defense bill. It would reverse this current Federal law. The result is that States will be able to offer in-State tuition to illegal aliens.

The PRESIDING OFFICER. The Chair advises the Senator from Alabama he has consumed his 10 minutes.