We know when it comes to cancer, heart disease, diseases that affect virtually every organ in the human body and, most importantly, impact the life of virtually every family, tobacco is a negative factor.

In 2006, the Surgeon General's report entitled ''Health Consequences of Involuntary Exposure to Tobacco Smoke,'' reaffirmed previous findings. Secondhand smoke causes heart disease, cancer, respiratory problems, and even death. What was once considered impossible is now industry practice. What was once unknown is now conventional wisdom. It is time for us to take the next big step.

Next week my colleagues, as members of the HELP Committee, led by my friend Senator TED KENNEDY, will debate giving the Food and Drug Administration the authority to regulate tobacco.

Most Americans do not know that tobacco has a curious place in the law. It is not considered a food or a drug. If it were a food or a drug, it would be regulated. Those who make the product would have to disclose its contents and would have to put meaningful warning labels on the product. Tobacco has had carved out for it a niche in the law so that requirement does not apply. Nearly every other industry in America that puts public health at risk is regulated by some Federal agency, but not tobacco.

If we are going to continue the fight against big tobacco, and the death and disease which this product creates, if we are going to secure the ability of all Americans to breathe air that is free from secondhand smoke, if we are to affirm the right of all of us to lead healthy and productive lives, we have to take this next step and allow the Food and Drug Administration to regulate this product. We must allow the FDA to regulate an industry that continues to cost us the lives of more than 43,000 Americans and over $100 billion in health care costs and lost productivity every single year.

Today, there will not be any cakes or parties, but we celebrate the 20th anniversary of a vote in the House of Representatives which has been an important part of my legislative career. This vote, to ban smoking on airplanes, 20 years ago, played an important role in launching the smokefree movement in America. I urge my colleagues to move us closer to finishing the work we have started. We stood up to the tobacco industry then, and we can do it again now.

DREAM ACT

Mr. DURBIN. Mr. President, last month we had a controversial and spirited debate over immigration. It went on for several weeks on the floor of the Senate, and many Members of the Senate thought about it and voted one way or the other.

The net result is that nothing happened. That is unfortunate. Everybody concedes our immigration laws have broken down. About 600,000 illegal people come into the United States each year and stay. Over 20 years, we now have 12 million people. The number continues to grow.

The lure of the United States is overwhelming. It is a lure which brought my grandparents and my mother to this country as immigrants. They wanted to be part of America. They were willing to leave their village in Lithuania and the comfort there for an opportunity. They came here, struggled and sacrificed, as immigrants do. They became Americans, and I think in a small way our family has made a difference in this country.

Now, repeat that story millions of times, and that is who we are as a nation. We are people who were unhappy, dissatisfied with what we had, saw America as a better chance, and came here.

People continue to come here. Our borders cannot hold them back at this moment. So we debated about making those borders stronger, having more enforcement in the workplace. We debated about: How many workers do we need each year to pick our crops and do our work, in addition to the American workforce? And what will we do with the 12 million who are here?

It was a big bill. The debate went on for 3 weeks, which is a long time by Senate standards. At the end of the debate, we could not pass it. We did not have the 60 votes. We were not even close. We had 46 votes cast in favor of comprehensive immigration reform.

There were aspects of that bill, though, that we should not abandon. There were parts of it we have to return to. I think we need to return to enforcement so our borders are safer, so there are fewer undocumented immigrants crossing into the United States. I think we need enforcement in the workplace to make sure employers meet their responsibilities.

But there are several other parts of the bill which we cannot ignore either. Senator DIANNE FEINSTEIN of California has been a leader on the issue of agricultural workers. In her bountiful State, the fruits and vegetables will, frankly, spoil in the fields if they do not bring in workers to pick them and harvest them. Americans are not lining up for these jobs. They are hard, dirty, sweaty, tough jobs. Immigrants will come and do it. They have done it before. She is trying to permit the ag workers, under the law, come and do this work. Otherwise, we are going to lose a lot of our agriculture in America.

There is another aspect of the law which is near and dear to me. Consider someone undocumented or illegal who comes to the United States and brings a child. It happens. That child may come at a very early age, maybe a baby in arms, or 1 or 2 years old, and that child will be raised in the United States, go through school, and reach a point in their life where they do not know any other place but America. They did not choose this country. Their parents chose it. They did not come here because of any thought about being illegal. They came here with their families.

What I tried to do several years ago was to write a law to take into consideration these young people. It is called the DREAM Act. The DREAM Act was a part of this comprehensive immigration reform bill. Here is what it says: If you came to the United States before the age of 16, if you have lived in this country for at least 5 years, if you graduate from high school, and then if you will complete either 2 years of college or 2 years of service in the military, we will give you an opportunity for legal status in America.

I have met these kids—young men and women. What a waste it would be to turn them away. Currently, that is all our law can do—to say to them: If your parents were undocumented and illegal, you have no place in America. At a time when we are importing talent and labor from other places, why would we turn these young people away?

First, they beat the odds. Only half, for example, of undocumented kids graduate from high school. These kids have to graduate from high school to even have a chance to become legal.

Second, they are going to do more with their lives. That is why I wanted to raise the issue very briefly this morning.

On the floor of the Senate, when we return next week, we will resume consideration of the Defense authorization bill. It turns out that many in the Department of Defense believe, as I do, that the DREAM Act is an important part of making certain we have talented young men and women ready to serve in our military. I have spoken to people at the Department of Defense who support the idea of the DREAM Act. I think we ought to include it in the Defense authorization bill. I hope to have that opportunity.

For the tens of thousands of young people across America who want a chance to be part of America, to contribute to America, the DREAM Act is their opportunity. They have to work their way into it. They have to prove themselves or they will not have a chance.

The nice thing about this amendment is both sides of the aisle agree on it. We have strong bipartisan sponsorship of this amendment. Senator CHUCK HAGEL, Republican of Nebraska; and Senator DICK LUGAR, Republican of Indiana; are cosponsors. They agree with me that this is a good move forward and encourage Congress to consider it.

I hope when we return to the Defense authorization bill we can make the DREAM Act part of that bill. Certainly, it is going to help our defense and help our military. I think it is going to help America even beyond that.

Those young men and women, given a chance to serve in the military, will be

citizens of this country someday who will make an important contribution, as all of our veterans do. Those who choose to go to college are on a path to becoming tomorrow's doctors and nurses and researchers and businesspeople—the kind of energy every society needs and the kind of energy that has built this great country we have today.

Mr. President, as I said, I rise to speak about legislation known as the DREAM Act, which I hope to offer as an amendment to the Defense authorization bill.

The DREAM Act is a narrowly tailored, bipartisan measure that I have sponsored with Republican Senator CHUCK HAGEL of Nebraska and Republican Senator DICK LUGAR of Indiana.

I want to thank the cosponsors of this amendment, all of whom are also cosponsors of the DREAM Act: Senators HAGEL, LUGAR, LEAHY, OBAMA, LIEBERMAN, FEINSTEIN, KERRY, FEINGOLD, CLINTON, BAYH, MENENDEZ, MURRAY, BOXER, and CANTWELL.

The DREAM Act would give a select group of undocumented students the chance to become permanent residents if they came to this country as children, are long-term U.S. residents, have good moral character, and enlist in the military or attend college for at least 2 years.

The DREAM Act is supported by a broad bipartisan coalition in the Senate, and by military leaders, religious leaders, and educators from across the political spectrum and around the country.

During the 109th Congress, the DREAM Act was adopted unanimously as an amendment to immigration reform legislation that passed the Senate. In the 108th Congress, the DREAM Act was the only immigration reform proposal reported to the Senate floor, on a bipartisan 16-to-3 vote in the Judiciary Committee.

And the DREAM Act was included in the immigration bill that was considered on the Senate floor last month.

Some people might ask why the Senate should revisit immigration again and whether an immigration amendment should be included in the Defense authorization bill. The answer is simple: The DREAM Act would address a very serious recruitment crisis that faces our military.

Under the DREAM Act, tens of thousands of well-qualified potential recruits would become eligible for military service for the first time. They are eager to serve in the Armed Forces during a time of war. And under the DREAM Act they would have a very strong incentive to enlist because it would give them a path to permanent legal status.

Let me begin by explaining the recruitment crisis that faces the Defense Department today.

Largely due to the war in Iraq, the Army is struggling to meet its recruitment quotas.

Just yesterday, the Army announced that it had missed its recruiting goal for June. The Army fell more than 1,000 recruits short of its monthly quota of 8,400. And this is the second straight month that the Army has missed its recruitment target.

Because of these recruitment difficulties, the Army is accepting more applicants who are high school dropouts, have low scores on the military's aptitude test, and have criminal backgrounds.

The statistics speak volumes. In 2006, almost 40 percent of Army recruits had below average scores on the military aptitude test. That is the highest rate since 1985.

In 2006, almost 20 percent of Army recruits did not have a high school degree. This is the highest rate of high school dropouts enlisting in the Army since 1981. By comparison, from 1984 to 2004, 90 percent or more of Army recruits had high school diplomas.

Why does this matter? The Army says high school graduation ''is the best single predictor of stick-to-itiveness'' that is required to succeed in the military.

And Charles Moskos, a Northwestern University sociologist who is an expert in military culture, said ''the more dropouts [who enlist], the more discipline problems'' the Army is likely to have.

Even more disturbing, the number of so-called moral waivers for Army recruits who have committed crimes has increased by 65 percent in the last 3 years, from 4,918 in 2003 to 8,129 in 2006. Many of these waivers are for serious crimes such as aggravated assault, burglary, robbery, and vehicular homicide.

In fact, individuals with criminal backgrounds were 11.7 percent of the 2006 recruiting class.

In contrast, under the DREAM Act, all recruits would be well-qualified high school graduates with good moral character.

Let me explain in more detail how the DREAM Act would work.

Currently, our immigration laws prevent thousands of young people from pursuing their dreams and fully contributing to our Nation's future. Their parents brought them to the United States when they were children. For many, this is the only home they know. They are fully assimilated into American society and they want nothing more than to be Americans.

They have beaten the odds in their young lives. The high school dropout rate among undocumented immigrants is 50 percent compared to 21 percent for legal immigrants and 11 percent for native-born Americans.

These children have demonstrated the kind of determination and commitment that makes them successful students and points the way to the significant contributions they will make in their lives. They are junior ROTC leaders, honor roll students, and valedictorians. They are tomorrow's soldiers, doctors, nurses, teachers, and Senators.

Over the years, I have met many of these DREAM Act kids, as they call themselves. Let me give you one example. Oscar Vasquez was brought to Phoenix, AZ, by his parents when he was 12.

Oscar is a born leader and was naturally drawn to the military. He spent his high school years in Junior ROTC, and dreamed of enlisting in the military. At the end of his junior year a recruiting officer told Oscar that he was ineligible for military service because he was undocumented.

Oscar was devastated, but he found another outlet for his talent. Two energetic science teachers had enrolled Oscar's high school in the college division of a robot competition sponsored by NASA.

Oscar and three other undocumented students worked for months in a windowless storage room in their high school, and tested their invention at a scuba training pool on the weekends. Competing against students from MIT and other top universities, Oscar's team won first place in the robot competition.

Oscar has since graduated. He hangs sheetrock for a living; it is the best job he could get without a college education or the opportunity to enlist in the military. He hopes to save his money and study engineering at Arizona State University some day.

Couldn't America use Oscar's talent? Couldn't our military use someone like Oscar?

The DREAM Act would help students like Oscar. It is not an amnesty. It is designed to assist only a select group of young people who would be required to earn their way to legal status.

The fundamental premise of the DREAM Act is that we should not punish children for mistakes that their parents made. That is not the American way.

The DREAM Act says to these students: America will give you a chance. We will give you the opportunity to earn your way to legal status if you meet the following requirements: came to the United States when you were 15 or younger; have lived here for at least 5 years; have good moral character; graduate from high school; and serve in the military or attend college for at least 2 years.

The DREAM Act doesn't mandate military service. A student who is otherwise eligible could earn legal status by attending college. It would be inconsistent with the spirit our volunteer military to force young people to enlist as a condition for obtaining legal status.

But the DREAM Act creates a strong incentive for military service. And many DREAM Act kids come from a demographic group that is already predisposed towards military service. A 2004 survey by the Rand Corporation found that 45 percent of Hispanic males and 31 percent of Hispanic females between ages 16 and 21 were very likely to serve in the Armed Forces, compared to 24 percent of White men and 10 percent of White women.

It is important to note that immigrants have an outstanding tradition of service in the military. There are currently 35,000 noncitizens serving in the military, and about 8,000 more enlist each year.

A recent study by the Center for Naval Analyses concluded:

> Non-citizens have high rates of success while serving [in the military]—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts.

The study also concluded that there are additional benefits to enlisting noncitizens. For example, noncitizens ''are more diverse than citizen recruits—not just racially and ethnically, but also linguistically and culturally. This diversity is particularly valuable as the United States faces the challenges of the Global War on Terrorism.''

The DREAM Act is not just the right thing to do; it would be good for America. The DREAM Act would allow a generation of immigrant students with great potential and ambitions to contribute to the military and other sectors of American society.

The Pentagon recognizes that. We have worked closely with them on the DREAM Act.

Bill Carr, the Acting Undersecretary of Defense for Military Personnel Policy, recently said that the DREAM Act is ''very appealing'' to the military because it would apply to the ''cream of the crop'' of students. Mr. Carr concluded that the DREAM Act would be ''good for [military] readiness.''

And last year, at a Senate Armed Services Committee hearing on the contributions of immigrants to the military, David Chu, the Undersecretary of Defense for Personnel and Readiness, testified as follows:

> There are an estimated 50,000 to 65,000 undocumented alien young adults who entered the U.S. at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who have participated in high school Junior ROTC programs. Under current law, these young people are not eligible to enlist in the military. . . . Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness, and moral qualifications. . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

Military experts agree. Margaret Stock, a professor at the U.S. Military Academy at West Point, said:

> Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces. . . . passage of this bill could well solve the Armed Forces' enlisted recruiting woes.

Conservative military scholar Max Boot agrees. When asked about the DREAM Act, he said:

> It's a substantial pool of people and I think it's crazy we are not tapping into it.

These experts are right. DREAM Act kids are ideal recruits: they are high school graduates, they have good moral character, and they desperately want to serve this country. At the time when the military has been forced to lower its standards due to recruitment shortfalls, we should not underestimate the significance of these young people as a national security asset.

This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and national security, or we can relegate them to a future in the shadows, which would be a loss for all Americans.

Mr. President, I encourage my colleagues to consider the DREAM Act as an amendment to this Defense authorization bill as part of our national security. We will have a chance to debate it in its entirety, and I will return to it when we come back to this bill next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise to speak for a while on the pending business before the Senate this past week and next week, which is the Defense authorization bill.

Now, constituents, people who have been watching the proceedings of the Senate for the last week, might be a little confused because if they know a little bit about how the Senate has historically done its business, they know the Defense authorization bill is the bill we adopt each year to set the policies and the spending priorities for the Defense Department to ensure our national security will remain strong for the next year.

However, this year, instead of talking about the acquisition of equipment we need, the new aegis cruisers we are going to be sending around the world—deploying to ensure we have a missile defense that is not only on land but on the seas—instead of talking about the space test bed—a research project that enables us, among other things, to find out how to deal with antisatellite weapons that the Chinese, for example, might use to destroy our satellites—or instead of talking about the need to increase the number of our military—primarily, our soldiers and marines—by about 90,000, so we have a more robust military to have boots on the ground anywhere in the world—instead of debating these various issues about our military posture, we have spent almost the entire week focused on what, the argument about the Iraq war.

Now, it is perfectly appropriate to debate issues relative to the war against terrorists. Certainly, the main battlefield in that war against terrorists today is Iraq. But it seems to me our focus is a little off when, instead of looking at the things we could do to make the United States more secure—by focusing on this Defense authorization bill and the specific elements of it—we are, instead, focusing on arguments about how quickly to withdraw from Iraq.

We have in place a new strategy in Iraq. At the end of last year, after the election, when Secretary Rumsfeld left his position as Secretary of Defense, the President said: All right, I believe we have not had a successful strategy, and we are going to have a new strategy.

That strategy was announced in January, sometimes called the surge. But what it involved was a combination of involving Iraqis more in the defense and securing of their country and the application of a very focused U.S. force of increased strength in specific areas of the country, not just to take those areas but to hold them once they were taken.

In the past, we would move into an area, we would clear it of the enemy, and then, after a few days, we would leave. What happened? The enemy would filter right back into the same areas, sometimes establishing an even stronger presence than they had before.

That, obviously, did not work, and the President realized it. Everybody in the country said: The election results show you need to have a new strategy. So the President, working with the Iraqis, working with General Petraeus—David Petraeus was confirmed unanimously by the Senate to go over and develop and execute a new strategy. Working with them, the President devised this new strategy of taking and holding the key areas of Iraq so peace and stability could be brought to that war-torn country. The opportunity for the Government then to grab hold of the situation and do the things it needs to do would be given full effect.

That strategy counted on five new brigades of U.S. forces, consisting of over 25,000 on-the-ground servicemen, going in to join with about twice as many Iraqi Army and police units to effectuate this strategy of clearing and holding and maintaining control that I mentioned before.

That strategy, finally, about 2 weeks ago, has been put in full force, with the arrival of the last of the five brigades. They have gone into both Anbar Province, which is almost a third of the country of Iraq, largely controlled by—it is called a Sunni area, and largely controlled by tribal leaders—and into Baghdad, which is, obviously, the primary population center of the country, where a lot of the previous Shiite and Sunni conflict was occurring.

What have we seen in the debate over the Defense authorization bill? We have seen attempt after attempt after attempt from the other side of the aisle to declare the war lost, the strategy a failure, and, therefore, a commitment by the Senate to direct the President to begin bringing the troops home.

Next Tuesday—I believe it is Tuesday—we will actually vote on an