

The death of Robert Krentz is sadly just one of the many tragedies that could have been avoided if the Federal Government had done its job. Instead, when Arizona tried to support the Federal immigration authorities, they were sued by Attorney General Holder, and the Department of Justice said stay out.

They were sued for trying to protect themselves because the Federal Government would not. Yet here we are in the final days of a lameduck—some say dead duck—Congress considering a bill that would create a major problem to the effective enforcement of immigration laws. People are not happy with us, Mr. President.

I had a little recognition and recalled in the shower this morning a little event with Oliver Cromwell with the long Parliament in England. He said:

It is high time for me to put an end to your sitting in this place. You have grown intolerably odious to the whole nation. In the name of God, go.

I don't think we are odious around here, but I think the American people are not happy with us. I think it is time for us to quit trying to move political bills in a way that is not appropriate, not through the regular process.

The American people are pleading with Congress to enforce our laws. But this bill is a law that, at its fundamental core, is a reward for illegal activity. It is the third time we have tried to schedule a vote on it, and during this lameduck session it is the fifth version of this legislation that has been introduced in the past 2 months. Not one of these bills has gone through committee. Not one of them is subject to amendment.

The House passed a bill after 1 hour of debate, having announced it being brought up 1 day before. In fact, the version we are now considering is the same one that was rammed through the House.

The majority leader has filled the tree. So, once again, the legislation cannot be amended.

For 2 years, Democratic leaders have ignored the public. They have rammed through a lot of unpopular legislation, and sometimes—and too often—the process has been skirted, and it has not been healthy for the Republic, which is one reason people have not been happy with it.

So we are at it again, in these last hours, attempting to force through legislation that is not acceptable to the people.

Proponents of the DREAM Act are sincere, and they insist this is a limited bill for young children of illegal immigrants who graduate from high school, get a college degree, and join the military. But the facts of the legislation are different. The DREAM Act would grant legislation to millions of illegal aliens, regardless of whether they go to or finish college or high

school or serve in the military. It is certainly not limited to children. It would apply to people here illegally who are as old as 30. Because the bill has no cap or sunset, they will remain eligible at any future time.

Mr. President, I know my good friend, Senator DURBIN, who is such an able advocate, challenged me last night, or my staff, saying we were incorrect in saying that the Secretary of HHS would have the ability to waive some of the requirements in the bill. Just for my staff's sake, I want to read this part of the bill. He said it wasn't in there. My staff explained to his staff why they thought it was in there. The waiver section states:

The Secretary of Homeland Security may waive the ground of deportability under paragraph 1 of section 237(a) for humanitarian purposes or family unity.

Maybe we can disagree how that might all be played out, but I think that is clearly a waiver provision in the bill.

The amnesty provision—and this is an amnesty bill, because it provides every possible benefit, including citizenship, to those who are in the country illegally, and I think that is a fair definition of amnesty. The amnesty provisions are so broad that they are open to those who have had multiple criminal convictions of up to two misdemeanors—just not three—and many criminal cases that are felonies are pled down to misdemeanors, including certain sex offenses, drunk driving, and drug offenses.

But the bill goes further, offering a safe harbor to those with pending applications, even if they pose some risk to the country. In other words, if you have filed and sought protection under the act, this can stay any action against you in any deportation proceedings.

I think it is particularly dangerous because the safe harbor would apply to those even from terror-prone regions in the Middle East. In fact, the DREAM Act altogether ignores the lessons of 9/11, going so far as to open up eligibility to those who previously defrauded immigration authorities, provided false documentation, as did many of the 9/11 hijackers on their visa applications.

Some have suggested this should not be a debate about policy but instead about compassion. But good policy, faithfully followed, is compassion. I ask my friends who support the legislation, what is compassionate about ignoring the public wishes and forcing people to live with a lawless border and a lawless immigration system that must be reformed and Congress refuses to reform? I ask them, is it compassionate to put illegal aliens in front of the line, ahead of those who have patiently waited and played by the rules? Is it compassionate to act in a way that undermines the integrity and con-

sistency of our legal system—a system that is so important to our prosperity and liberty?

The message from the public has never been in doubt. Before we consider regular status for anyone living here illegally, we first must secure the border. My friend, BEN NELSON from Nebraska, has spoken on this for a half dozen years. When he speaks, he has a sign behind him that says "border security first." That is what Senator MCCAIN has said. He has been a champion of immigration reform. He says he has come to understand with clarity that we must have security first.

That is what the American people have told us, I am convinced. If we do not do those actions first, if we pass this amnesty, we will signal to the world that we are not serious about the enforcement of our laws or our borders. It will say that you can make plans to bring in your brother, sister, cousin, nephew, and friends into this country illegally as a teenager, and there will be no principled reason in the future for the next Congress then sitting to not pass another DREAM Act. It will only be a matter of time before that next group that is here illegally will make the same heartfelt pleas we hear today.

It is time to end the lawlessness, not surrender to it. It is time to end the lawlessness that is occurring. This is a decisive vote. I urge my colleagues to oppose this reckless bill and commit ourselves, as a nation, to creating an immigration system that is just and lawful and that befits a nation as great as ours.

Mr. President, I ask unanimous consent that the time remaining that I have not used that has been allocated to the Republicans be divided as follows, and not necessarily in this order: Senator MCCAIN, 10 minutes; Senator CHAMBLISS, 5; Senator INHOFE, 10; Senator KYL, 5.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have it within our power to fix the broken immigration system. Last year, approximately 600,000 people were arrested entering our country illegally. That is lower than it has been, but a determined leadership from the President, from the Congress, can, within a matter of 1 or 2 years, end this problem, and then we can begin to wrestle with the difficult question of those who have been in our country for some time.

I thank the Chair and yield the floor. The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

ORDER OF PROCEDURE

Mr. LEVIN. How much time has been used by Senator SESSIONS?

The ACTING PRESIDENT pro tempore. The Senator has used 14 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that now the Senator from Oregon be recognized for 3 minutes, and then I be recognized for 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection—

Mr. INHOFE. Mr. President, reserving the right to object, can the Senator amend that to include me for 10 minutes following his remarks?

Mr. LEVIN. I so amend my request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon is recognized.

HEALTH CARE

Mr. WYDEN. Mr. President, Senators, let me thank all of you for your many kindnesses over the last 48 hours. When news about your prostate is ricocheting around the blogosphere, all the calls, notes, and even offers to object on my behalf have meant a lot. I only want to say that I just hope this encourages everybody to go out and get those physicals. What this is all about is prevention. We can agree that when it comes to health care that we all ought to focus on prevention.

DON'T ASK, DON'T TELL

Mr. WYDEN. Mr. President, briefly, it was so important for me to be here today because don't ask, don't tell is wrong. I don't care who you love. If you love this country enough to risk your life for it, you should not have to hide who you are. You ought to be able to serve.

The history of our wonderful Nation is spotted with wrongs, but this institution is at its best when it corrects those. That is the opportunity we will have today.

Don't ask, don't tell has resulted in the discharge of over 14,000 patriotic and talented service members who were otherwise qualified to serve their country.

A 2005 Government Accountability Office report says nearly 10 percent of those discharged under don't ask, don't tell have been linguists trained in critical languages such as Arabic, Farsi, and Chinese.

As a member of the Senate Intelligence Committee, let me tell you that turning away Arabic, Farsi, and Chinese speakers is bad for national security. It makes it harder for us to win the war on terror. Don't just take my word for it. The fact is, the military now understands how important it is to make this change.

Today, the Senate has the opportunity to be on the right side of history. Don't ask, don't tell is a wrong that should never have been per-

petrated. Let's move to end it today. Again, let me say thank you to all of you. I look forward to being with all of you next year.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Senator from Oregon for his powerful statement and powerful presence. We look forward to 110 percent of that power being back with us in the days ahead.

Mr. WYDEN. I thank the Senator.

Mr. LEVIN. The Armed Services Committee held two excellent hearings to consider the final report of the working group that reviewed the issues associated with the repeal of don't ask, don't tell. That report concluded that allowing gay and lesbian troops to serve in the U.S. Armed Forces, without being forced to conceal their sexual orientation, would present a low risk to the military's effectiveness, even during a time of war, and that 70 percent of the surveyed members believe the impact on their units would be positive, mixed, or of no consequence.

As one servicemember told the working group:

All I care about is can you carry a gun, can you walk the post.

In combat, the troops have told us that what matters is doing the job.

We also learned during the course of our hearings that while predictions of problems after repeal were higher in combat units than among troops, this commission found that the difference disappeared among those who had actual experience serving on the front lines with gay colleagues; that is, experience is a powerful antidote to negative stereotypes about gay service members.

We learned that when our close allies, Great Britain and Canada, were preparing to allow open service by gay and lesbian troops, there were concerns about problems there. Those concerns totally disappeared after they changed their policy to allow service, but those concerns—that level of concern in our allies' armies was higher than the current level of concern in our troops. Both those countries and other allies, such as Israel, made the transition with far less disruption than expected, and their militaries serve alongside ours in Afghanistan with no sign that open service diminishes their or our effectiveness.

Secretary Gates has assured everybody he is not going to certify that the military is ready for repeal until he is satisfied with the advice of the service chiefs that we have mitigated, if not eliminated, to the extent possible, risks to combat readiness, to unit cohesion and effectiveness. We learned that Secretary Gates, Admiral Mullen, and other senior military leaders are concerned that unless we pass this law;

that is, without this legislation, they are going to be forced to implement a change in policy not when they can certify that they are ready, as provided for in this legislation, but when a court orders a change. The only method of repeal that places the timing of repeal and the control of implementation in the hands of our military leaders is the enactment of this bill.

There are a lot of reasons the repeal of don't ask, don't tell can and will, hopefully, happen, but we know it can happen without harming our military's effectiveness. Those are the reasons we can do this safely, but there are other reasons why we must end this discriminatory policy. In Admiral Mullen's memorable words, it is a policy which "forces young men and women to lie about who they are in order to defend their fellow citizens." We should end this policy because it is the right thing to do.

Some have argued that this is social engineering or that this is partisan, even though this change is supported by the overwhelming majority of the American people. They are grossly mistaken.

Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. One minute.

Mr. LEVIN. Mr. President, I am not here for partisan reasons; I am here because men and women wearing the uniform of the United States who are gay and lesbian have died for this country because gay and lesbian men and women wear the uniform of this country and have their lives on the line right now in Afghanistan, Iraq, and other places in this country. One of those is a captain by the name of Jonathan Hopkins. He finished fourth in his class at West Point, commanded two companies—one in combat—and earned three Bronze Stars, including one for valor in combat. Yet that decorated combat leader had to leave the Army because of don't ask, don't tell. I am here because of SSgt Eric Alva, the first ground unit casualty of the war in Iraq. The first casualty in the war in Iraq was a gay soldier. The mine took off his right leg, and that mine that took off his right leg didn't give a darn whether he was gay or straight. We shouldn't either.

We cannot let these patriots down. Their suffering should end. It will end with the passage of this bill. I urge its passage today. It is the right thing to do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that I have 10 minutes, and I would like to ask the Chair to let me know when I have 1 minute remaining.

The ACTING PRESIDENT pro tempore. The Chair will so notify.