

# **SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT**

CQ Transcriptions

June 28, 2011 Tuesday

Copyright 2011 CQ-Roll Call, Inc. All Rights Reserved

All materials herein are protected by United States copyright law and may **not** be reproduced, distributed, transmitted, displayed, published or broadcast without the prior written permission of CQ Transcriptions. You may **not** alter or remove any trademark, copyright or other notice from copies of the content.

## **Body**

---

**EVENT DATE:** June 28, 2011

**TYPE:** COMMITTEE HEARING

**LOCATION:** WASHINGTON, D.C.

**COMMITTEE:** SENATE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON IMMIGRATION, REFUGEES, AND BORDER SECURITY

**SPEAKER:** SEN. CHARLES E. SCHUMER, CHAIRMAN

**WITNESSES:**

SEN. CHARLES E. SCHUMER, D-N.Y. CHAIRMAN SEN. DIANNE FEINSTEIN, D-CALIF. SEN. RICHARD J. DURBIN, D-ILL. SEN. PATRICK J. LEAHY, D-VT. SEN. RICHARD BLUMENTHAL, D-CONN. SEN. AL FRANKEN, D-MINN.

SEN. JOHN CORNYN, R-TEXAS RANKING MEMBER SEN. JON KYL, R-ARIZ. SEN. JEFF SESSIONS, R-ALA. SEN. CHARLES E. GRASSLEY, R-IOWA SEN. ORRIN G. HATCH, R-UTAH

SEN. CHARLES E. SCHUMER, D-N.Y. CHAIRMAN SEN. DIANNE FEINSTEIN, D-CALIF. SEN. RICHARD J. DURBIN, D-ILL. SEN. PATRICK J. LEAHY, D-VT. SEN. RICHARD BLUMENTHAL, D-CONN. SEN. AL FRANKEN, D-MINN.

SEN. JOHN CORNYN, R-TEXAS RANKING MEMBER SEN. JON KYL, R-ARIZ. SEN. JEFF SESSIONS, R-ALA. SEN. CHARLES E. GRASSLEY, R-IOWA SEN. ORRIN G. HATCH, R-UTAH

SEN. CHARLES E. SCHUMER, D-N.Y. CHAIRMAN SEN. DIANNE FEINSTEIN, D-CALIF. SEN. RICHARD J. DURBIN, D-ILL. SEN. PATRICK J. LEAHY, D-VT. SEN. RICHARD BLUMENTHAL, D-CONN. SEN. AL FRANKEN, D-MINN.

WITNESSES: SECRETARY OF EDUCATION ARNE DUNCAN

SECRETARY OF HOMELAND SECURITY JANET NAPOLITANO

SEN. CHARLES E. SCHUMER, D-N.Y. CHAIRMAN SEN. DIANNE FEINSTEIN, D-CALIF. SEN. RICHARD J. DURBIN, D-ILL. SEN. PATRICK J. LEAHY, D-VT. SEN. RICHARD BLUMENTHAL, D-CONN. SEN. AL FRANKEN, D-MINN.

CLIFFORD L. STANLEY, UNDERSECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

SEN. CHARLES E. SCHUMER, D-N.Y. CHAIRMAN SEN. DIANNE FEINSTEIN, D-CALIF. SEN. RICHARD J. DURBIN, D-ILL. SEN. PATRICK J. LEAHY, D-VT. SEN. RICHARD BLUMENTHAL, D-CONN. SEN. AL FRANKEN, D-MINN.

OLA KASO, WARREN, MICHIGAN

LIEUTENANT COLONEL MARGARET STOCK (USA RESERVES, RET.)

STEVEN CAMAROTA, DIRECTOR OF RESEARCH, CENTER FOR IMMIGRATION STUDIES

SEN. CHARLES E. SCHUMER, D-N.Y. CHAIRMAN SEN. DIANNE FEINSTEIN, D-CALIF. SEN. RICHARD J. DURBIN, D-ILL. SEN. PATRICK J. LEAHY, D-VT. SEN. RICHARD BLUMENTHAL, D-CONN. SEN. AL FRANKEN, D-MINN.

**DURBIN:** Good morning. This hearing of the Subcommittee on Immigration, Refugees, and Border Security will come to order. Today's hearing is on the **DREAM Act**, legislation that would allow a select group of immigrant students to earn legal status.

Before I begin, I want to especially thank the chairman of the full committee, Senator Leahy, and Senator Schumer, who chairs the Immigration Subcommittee and will join us shortly, for their longstanding support of this legislation, and for giving me the opportunity to hold the first ever Senate hearing on this bill.

This bill has been introduced and considered for almost 10 years. The first hearing was scheduled for September 12th, 2001, and was canceled for obvious reasons. The bill has gone through numerous mark-ups, a lot of floor debate, and then considered in various forms. But this is the first official committee hearing on the bill.

Thousands of immigrant students in the United States were brought here as children. It wasn't their decision to come to this country. But they grew up here, pledging allegiance to our flag and singing our national anthem. They are Americans through and through.

The **DREAM Act** would give these young people a chance to earn legal status if they have good moral character, and go to college, or serve in the military. The **DREAM Act** would make America a stronger country by giving these talented immigrants the chance to fulfill their potential.

Young people who would be eligible for the **DREAM Act** call themselves DREAMers. And over the years, I've met a lot of them. And hundreds of them are here today. I want to introduce a few of them.

And the first one is Teresa Lee (ph). Teresa, would you please stand up. Ten years ago, I was contacted by Anne Monaco (ph), a teacher at the Merit School of Music (ph) in Chicago. One of her students, Teresa, was an extraordinary musical talent who had played as a soloist with the Chicago Symphony Orchestra.

She had been accepted at several of the country's most prestigious music schools: The Julliard School of Music, and the Manhattan -- make sure I get that straight, School of Music as well.

And as they were filling out the application form for her to go to school, the question came up about her nationality. Her parents had brought Teresa to the United States when she was 2 years old. They had never filed any papers. And she was undocumented.

So we contacted the INS and they told us that she had an option. Teresa wouldn't have to leave the United States for 10 years. And that's when I started to work on the **DREAM Act**. Let me tell you, the story has a very happy ending.

Teresa went on to obtain her BA and Master's degree from the Manhattan School of Music. In 2009, she played her debut at Carnegie Hall. Today she is pursuing her doctorate at the Manhattan School of Music.

Teresa, you got me started, thank you for being here.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

(APPLAUSE)

**DURBIN:** No politician ever wants to stop the applause, but we have committee rules, and we ask you to please hold your reactions, positive or negative, to yourself. Thank you.

Nelson and John Magdalena (ph), would you please stand. Nelson and John were brought to this country from Venezuela. Nelson was 11, John was 9. In high school, John was the fourth-highest ranking officer and commander of the Air Honor Society in Junior ROTC.

Nelson and John are now honor students at Georgia Tech University, one of the best engineering schools in America. Nelson is a computer engineering major, and John is a biomedical engineering major. Thank you for being here.

Tolu Oloboomy (ph), please stand. Brought to the United States from Nigeria as a child, in 2002, she graduated from a prestigious university in Virginia with a degree in chemical engineering. It has been nine years since she graduated. She has yet to work a day as a chemical engineer because she is undocumented.

She has been waiting for Durbin to pass the DREAM Act for nine years. And she is now over the age of 30, and that's why the eligible age in our law that we have before us today is 35, because she shouldn't be held responsible for the fact that we haven't done what we need to do in passing the law. So we thank you for being here.

Monchi Dolan (ph), please stand up if you're here, Monchi. His parents brought him here from Bangladesh in 1991 when he was 5 years old. In 2008 he graduated from the University of North Carolina at Chapel Hill. Now he is being courted by the technology industry. He has even been offered a job as a lead engineer for a start-up in Silicon Valley.

He cannot accept the job offers he has received because he is undocumented. Thank you.

Bonita Valese (ph), Bonita was brought here in 1993 at the age of 8. She graduated as valedictorian of her high school class at the age 16, graduated from the honors program at St. Mary's University in Texas with a double major in Biology and Sociology. Thank you, Bonita, for being here.

Angelica Hernandez (ph), please stand, thank you, Angelica. Brought here from Mexico when she was 9 years old, in high school, she served in the Junior ROTC and was president of the National Honor Society.

This spring she graduated from Arizona State University as the outstanding senior in the Mechanical Engineering Department. Angelica, thank you.

There are many others here today that I would like to introduce, but I don't have the time to do it. Let me ask everyone here today who is a DREAMer, a DREAM Act student, to stand and be recognized.

Thank you so much for being here, for the sacrifice you made to come. You can be seated.

When I look around this room, I see America's future, our doctors, our teachers, our nurses, our engineers, our scientists, our soldiers, our congressmen, our senators, and maybe our president.

I ask my colleagues to consider the plight of these young people who find themselves in a legal twilight zone through no fault of their own. They are willing to serve the country they love. All they're asking for is a chance.

Opponents of this bill say they sympathize with DREAM Act students, but they criticize the bill and offer no alternative. Do they want these young people to leave, to go back to countries where they may never have lived or don't remember, or to continue living in the shadows and in doubt about the future?

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

These DREAMers would happily go to the back of any line and wait their turn for citizenship, but there is no line for them to get into. I urged my colleagues to support the **DREAM Act**. It is, I think, one of the most compelling human rights issues of our time in America.

I'd like to recognize Senator Cornyn, the ranking member of the subcommittee.

**CORNYN:** Thank you, Mr. Chairman.

I have anticipated today's hearing with decidedly mixed emotions, on one hand with compassion and sympathy for these young students who so earnestly want a brighter future for themselves, but on the other hand, with a sense of frustration at the way this issue has been wielded as a political weapon.

You know I've been a supporter of a version of the **DREAM Act** for many years. And I know you have been a champion of this. I admire your typical persistence. And I know you care deeply about these young people whose parents were illegal immigrants -- or are, and brought them to the country in violation of our law, but who themselves have no culpability for being here in violation of our immigration laws.

It has been too long since 2007, in fact, when Senator Reid, the majority leader, brought an immigration reform bill to the Senate Floor. As a matter of fact, I remember reading in President Bush's book "Decision Points," he said Senator Teddy Kennedy called him and asked him to call Senator Reid and ask him **not** -- to keep the Senate in session over the weekend in 2007 so that the Senate could finish its work on that bill in 2007. But Senator Reid declined to do so, and, as you know, that bill was pulled.

I have no reason to doubt also that the president of the United States has promised to make immigration reform a priority. As a matter of fact, he said he would do so within his first year in office. But we know now that he did **not** keep that promise. And I've been disappointed by the president's failure to lead on immigration reform.

I know I'm **not** alone. Having pushed controversial legislation through the United States Senate, when Democrats controlled both the Congress and the White House, the stimulus package, the health care bill, the Dodd-Frank bill, there is no reason why the president of the United States could **not** have delivered on his immigration reform promise during his first two years as president if it was really the priority that he claimed.

I'm also disappointed that the Senate majority leader has refused to place immigration reform on the Senate agenda since 2007, but nevertheless, last December, used, once again, the **DREAM Act** as a political football in a political stunt.

He refused to allow any amendments to the bill when it was brought out to the floor that might have addressed bipartisan concerns about it, and would have, in fact, improved it, in my view. And he refused to allow enough floor time for the Senate to debate the bill.

It was hardly a recipe for success. Instead, it had all of the hallmarks of a cynical effort to use the hopes and **dreams** of these young people as a political wedge in the run-up to the 2012 election. I believe we can and that we should do better.

Of course, Mr. Chairman, we all have compassion for these young people, many of whom live in my state, the state of Texas. We know how the broken immigration system has failed them. And we know how Washington's failure to deliver credible immigration reform has failed the country.

It's important, though, to get the details right. And that's why the process by which this bill is considered in this Judiciary Committee and on the floor is very important.

Unfortunately, the version of this -- of the **DREAM Act** we've got before us has several well-known problems that have never been satisfactorily addressed. Under this version of the **DREAM Act**, a 35- year-old illegal immigrant with only two years of post-high school education would be eligible for a green card, regardless of whether they ever earn a degree.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

In fact, the bill allows the secretary of the Department of Homeland Security to waive the educational requirement entirely so that all that is required for a pathway to citizenship is a GED.

Under this version of the **DREAM Act**, a 35-year-old illegal immigrant who has been convicted of two misdemeanors would be eligible for a green card. And let's remind ourselves that many misdemeanors are **not** minor offenses.

In many states they include driving while under the influence of alcohol, drug possession, burglary, theft, assault, and many other serious crimes.

In New York, sexual assault of a minor in the third degree is a misdemeanor. Someone with two convictions for any of these crimes could eventually be eligible for a path to American citizenship under this legislation. And that doesn't include people who are actually charged with felonies but who later pled guilty to a reduced charge of a misdemeanor.

This version of the **DREAM Act** also has, in my opinion, very weak protections against fraud. As we saw in 1986, any time we expand eligibility for an immigration benefit, we create a whole new opportunity for fraud if we're **not** careful.

Yet this bill actually protects the confidentiality of the **DREAM Act** application even if it contains false information. And this bill doesn't acknowledge the impact of chain migration by hundreds of thousands of family members in a fragile economy that we have now.

Mr. Chairman, these concerns, as you know, are **not** new. I've raised them time and time again over the years. But I want to make clear that the biggest obstacle to the passage of the **DREAM Act** is **not** the specific issues I mention, it's the failure of the federal government to keep its promise when it comes to immigration reform.

Moreover, were we to **pass** this bill as a standalone bill without addressing the rest of our broken immigration system, I believe it is far less likely that we would ever get to the other issues in our broken system, this being the most sympathetic of any of those.

The issue we're addressing today is in fact the engine that could help pull the train for credible immigration reform. Once it leaves the station, what are we to tell our constituents who care deeply about the rest of our broken immigration system?

But I think it's important also to recall and to remind ourselves that America is a welcoming nation to immigrants who play by the rules and do it the right way.

Last year more than 600,000 people became naturalized U.S. citizens. I think that's something we should be proud of. Nearly 50,000 of these new Americans are Texans. And on Memorial Day this last year, I had the honor of attending a ceremony where young men and women who have green cards were the beneficiaries of expedited path to citizenship as a result of legislation that I co-sponsored with Senator Teddy Kennedy as one of the first bills that I co-sponsored in the Senate.

The American people have been compassionate and generous to illegal immigrants and their families. In 1986, President Reagan signed an amnesty for about 3 million people. It was supposed to be the last mass legalization that America would ever need because the trade-off was increased and enhanced enforcement. But the enforcement never happened.

So the problem is **not** that America is an unwelcoming nation, or that America is **not** a compassionate nation, or that America will **not** continue to be welcoming and compassionate if we handle this issue correctly.

The problem is that the federal government is still **not** doing what it promised to do in 1986, to secure our borders, to enforce our immigration laws, especially at the work place, adequately, and encourage large numbers of people from systematically -- discourage large numbers of people from systematically just violating the law of the land.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

I believe sincerely that our policies should be pro-legal immigration and anti-illegal immigration. This bill, sadly, does nothing to fix our broken immigration system. It is a Band-Aid. And maybe worse, it will provide an incentive for future illegal immigration.

This bill does nothing for border security, work place enforcement, visa overstays that account for about 40 percent of illegal immigration in this country. In other words, it does nothing to reduce the likelihood of further illegal immigration.

What parent would not be tempted to immigrate illegally on the hope that, if not they, but maybe their children would be given the gift of American citizenship?

And after these children are citizens under current law, how many millions of their immediate family members would eventually become eligible for citizenship?

I think millions of Americans would support the DREAM Act, Mr. Chairman, if they could get their questions answered, like, will this bill solve the problem of our broken immigration system, or will it make it worse by incentivizing illegal entry?

What are the impact on sky-high unemployment rates for current citizens and legal residents? In fact, the unemployment rate for Hispanics in America is roughly 2 percentage points higher than for the general population.

And, finally, how will we pay for this when 43 cents out of every dollar the federal government currently spends is borrowed money and we have a \$14.3 trillion national debt?

What message are we sending to those on the other side of the borders who are thinking about entering the country illegally with a minor child? If we pass this bill, will we be back here in five years, 10 years, 20 years with the same concerns that these young people are bringing to us today?

In other words, is this the kind of dream that will reoccur indefinitely?

Respectfully, Mr. Chairman, these are some of the questions that I have today and some of the questions I will have for the panelists.

Thank you very much.

**DURBIN:** Senator Feinstein?

**FEINSTEIN:** Thank you very much, Mr. Chairman.

I wish I could stay for the whole hearing. The Appropriations Committee is hearing the intelligence budget at 10:30, so I will need to go.

But I want to thank you for your leadership on this. I know it's been difficult. You've been resolute and steadfast. And it's very much appreciated.

I'm one that believes that the time really has come to pass this bill. I listened very carefully to what Senator Cornyn said. We've served together on this committee. I've come to appreciate him over the years.

I think the one thing that I really agree with that he said is that these youngsters bear no culpability. And in my mind that means a great deal.

These youngsters did not institute the act to come here. Their parents did. They took part out of our education system. And the youngsters that I see are the valedictorians -- I know several -- the student body presidents, some fighting our wars, some getting master's degrees, some getting Ph.D.s, working on the side, helping out their families, trying to get scholarships wherever they can to better themselves so that they can be part of the American dream.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Some of the youngsters in this room came in at six months old. They didn't know. And our education system, essentially they have made great use of.

And I think that's important.

UCLA has just finished a study that says that undocumented youth who would obtain legal status under the **DREAM Act** could contribute an estimated \$1.4 trillion to the United States' economy over a 40-year period.

That's pretty compelling evidence that these students work hard, that they care and that they want to be part of the American **dream**.

And to the best of my knowledge, the American **dream** has never been an exclusive **dream** that only some people could share.

I want to make one last comment about the borders: The borders are more secure today than they have been in 10 years. And I know Secretary Napolitano will comment eloquently on that.

But to the best of my knowledge, we have doubled Border Patrol from 10,000 to 20,000 people. We have completed 600 miles, plus, of border fence. We have avionics. We have all kinds of technology on the border.

And what took place in the early '90s, which was people coming over by the thousands no longer comes over.

So I just want to say that to use border security as a reason **not** to give these young people a chance makes no sense to me.

I mean, here's somebody that has a -- a graduate degree, who can't find a job. It's wrong.

So I -- I don't want to get wound up, but I want to thank you for what you're doing, and I want to support it in any way, shape or form I can. Thank you.

**DURBIN:** You can get wound up anytime. Thank you very much.

Senator Grassley?

**GRASSLEY:** (OFF-MIKE)

**DURBIN:** Thank you.

Senator Franken?

**FRANKEN:** I'll do the same.

Well, actually, I won't put my statement in the record, but I'll -- I'll -- when we get to the questions, I'll probably say a thing or two.

Thank you.

**DURBIN:** We're expecting Senator Schumer to join us, and he may have a chance to make an opening statement.

But let me turn to our first panel of witnesses for opening statement. Each witness will have five minutes. The complete written statement will be made part of the official record.

And if the witnesses will please stand and raise your right hands to be sworn in.

Do you affirm the testimony you're about to give before the committee will be the truth, the whole truth and nothing but the truth, so help you God.

Thank you very much.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

And let the record reflect that the witnesses answered in the affirmative.

At the outset, I want to say how pleased I am we have two members of the president's Cabinet here today. It's unusual for Cabinet secretaries to appear before a subcommittee and unusual for them to testify in support of legislation.

I think it is a measure of this administration's commitment to the **DREAM Act** that you are here.

Our first witness is Secretary of Education Arne Duncan. Previously, he was chief executive officer of the Chicago public schools from 2001 until 2008, the longest-serving big-city education superintendent in the country.

Prior to this, he ran the nonprofit foundation, Aerial Education Initiative and played professional basketball in Australia.

Secretary Duncan graduated magna cum laude from Harvard University.

Thank you for being here today, and the floor is yours.

**DUNCAN:** Chairman Durbin, Ranking Member Cornyn and members of the subcommittee, thank you for the opportunity to come before you today and talk about the **DREAM Act**.

As you know, the Obama administration strongly supports this legislation which historically has enjoyed support from both sides of the aisle.

Through it, a generation of Americans will have the opportunity to earn a college degree and serve our country in the military. Without it, these young people, who have been here for most, if **not** almost all of their lives, will miss out on the American **dream**, and our country's long-term economic prosperity will suffer if they fail to fulfill their true economic potential.

In a few -- in the few moments that I have today, I want to explain two reasons why it's critically important to **pass** the **DREAM Act**.

First, it's an issue of fairness. Thousands of young people have worked hard, but they're being denied the chance to build a better future for themselves and to contribute their skills, talents and creativity to our country.

Second, it's an issue of economic prosperity. By offering these young people a chance to earn a college degree, we are helping them establish their own economic security. And in the process, they will help sustain America's economic competitiveness into the future.

The students who will benefit from the **DREAM Act** deserve a fair chance to succeed. They are some of our country's best and brightest, and as we saw here today, they come from across the globe. But they were raised and educated here in America.

They have deep roots here and are loyal to our country because for many of them it's the only home they've ever known.

And we should **not** punish these students because they were brought here by their parents.

Some of them first learned that their families are undocumented when they applied for college at 17 or 18 years old. And it goes against the basic American sense of fairness to deny them opportunities because of the choices made by their parents.

It also goes against our national interest to deny these young people, these students, a chance to get a college education.

By creating opportunities for these bright and talented youth to attend college, they will contribute much, much more than they ever could as struggling workers moving from one under-the-table job to another.



## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

With a college education, they can fill important jobs in fields today facing critical shortages, such as engineers and nurses and teachers.

And today it's important for folks to really understand that in these very tough economic times, our country still has about 3 million unfilled jobs open today. By 2018, we'll need to fill 2.6 million job openings in the fields of science, technology, engineering and mathematics. Let me say that again: 2.6 million openings in the STEM fields alone.

The students who will benefit from the **DREAM Act** will absolutely help to fill those jobs.

By working in these fields, they can contribute to our country's economic growth. With a bachelor's degree, their earnings will be up to 80 percent higher than if -- than if their education ends in high school.

According to a 2010 study from UCLA, those who would benefit from the **DREAM Act** could generate between \$1.4 trillion and \$3.6 trillion in income over their careers.

With those extra earnings, they will purchase homes and cars and other goods to drive our economic growth. And we know that these students are hungry; they're hungry to go to college.

Right now, 13 states offer in-state tuition for undocumented students. In these states that offer a promise of low-cost tuition, the high school dropout rate for non-citizen Latinos has fallen by 14 percent.

Texas was actually the first state to create tuition benefits for these students. Today undocumented students in Texas are almost five times more likely to enroll in post-secondary education, as opposed to undocumented students in nearby states that don't offer them that same in-state tuition.

But for far too many of these young students, the benefit of in-state tuition isn't enough. Even with the reduced costs, college remains unaffordable for them. For those who can afford it, their choices are actually limited. Eventually, the earning power of a college degree is limited because they are unable to legally work and become full participants in our economy.

And that's why the federal government needs to offer low-cost loans and work-study opportunities and the potential for permanent resident status to our young people.

Before I close, it's important to be clear about what the **DREAM Act** will do and what it won't do and to dispel two important myths.

First, the **DREAM Act** won't provide amnesty to students. It will offer a conditional, lawful permanent resident status only for students who meet a rigorous set of criteria.

They must have entered this country before the age of 15 and they must have lived in this country for five years before the bill's enactment. They must have graduated from high school or have earned admission into an institution of higher education.

They must **pass** a rigorous background check to show they are **not** a security threat and demonstrate good moral character. Students wouldn't be eligible if they have a criminal record that would make them inadmissible to this country or result in imprisonment that exceeds certain amounts of time.

The students will earn their permanent resident status after a six-year process.

The second myth about the **DREAM Act** is that it would restrict the availability of federal student aid for U.S. citizens. Simply put, that's **not** true. It wouldn't happen.

By statute, student loans are available to all students who are eligible to receive them. And because **DREAM Act** students would be ineligible for Pell Grants, **passing** this bill would **not** have costs associated with the program.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

All told, the Congressional Budget Office, the CBO, estimates that the **DREAM Act** would generate \$1.4 billion more in revenue than it would add in cost over the next decade.

And collectively, as we strive to reduce the deficit, we simply can't afford to leave that kind of money, those kinds of resources on the table.

Chairman Durbin, you and I have worked together on so many issues, both here in Washington and back home in Chicago. I just have tremendous admiration for your courage, for your tenacity, for your integrity.

We've done many things together, but nothing -- nothing we could do together would be more important for our nation's young people and ultimately for our country than **passing** this **DREAM Act**. And I thank you so much for your personal leadership on this issue.

This is common-sense legislation that will open the doors of post-secondary education to thousands of deserving young people. Millions of our ancestors, yours and mine, have come to America to be free, to work hard and to pursue their **dreams**. They have fueled our economy for generations and made America the most prosperous nation in the world.

By **passing** the **DREAM Act**, we will offer a new generation of immigrants the opportunity to go to college, help our economy prosper and live their own American **dreams**.

Thank you.

**DURBIN:** Secretary Duncan, thank you very much.

And we're going to go slightly out of order here because Senator Schumer, who chairs the Immigration Subcommittee and was kind enough to allow me to have this special hearing, has to go to another important meeting, and he's asked if he could make a brief opening statement before Secretary Napolitano and Dr. Stanley.

So, since he has the important subcommittee for your Homeland Security agency, I think we ought to let him do it.

(LAUGHTER)

**NAPOLITANO:** Absolutely.

(LAUGHTER)

**DURBIN:** Senator Schumer?

**SCHUMER:** Thank you.

First, I want to thank you, Senator Durbin, for holding this hearing. I want to thank Chairman Leahy, as well as Ranking Member Cornyn. And I'm honored to be here today for this first Senate hearing on the **DREAM Act**. And I'm glad that everyone here worked hard to make this a reality.

When Senator Durbin asked me if he could chair a hearing on the **DREAM Act** in the Immigration Subcommittee, I couldn't have been happier to let him to do it. And I want to salute his leadership this issue, which has been passionate, intelligent, effective and neverending -- and won't end, I'm sure, until the **DREAM Act** is enacted into law.

The American people have heard a lot about the **DREAM Act** today, and I just wanted to make three simple points.

First, the **DREAM Act** comports with basic American traditions of enforcing the rule of law and holding individuals accountable for their actions.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Unlike other individuals who might fall under the category of being an illegal immigrant, the **DREAM Act** only applies to young persons who made no decision to come to America. None of the young people who would benefit from the **DREAM Act** broke the law when they came here. They had no intent to break the law, and there is no law they can be prosecuted for breaking. This is an undisputed fact.

The best thing about America, the thing I'm proudest of, is that we each stand on our two feet. We're **not** judged by who our parents are, what our parents did for a living, or when, why or how our parents came to this country. We're judged by our own actions. And the deal we all abide by is that, if we work hard and play by the rules, the American **dream** is available to each and every one of us.

But too many still say we should punish people **not** for their own actions but for actions of their parents. Well, that's un-American, and it violates the very spirit of our Constitution, which specifically says that "there shall be no corruption of blood," meaning our founding fathers specifically endorsed the concept that children should **not** be punished for the sins of their parents.

Second, the **DREAM Act** only serves to eliminate a nonsensical distinction that currently exists within our immigration system, a distinction where foreign students with no ties to America are actually treated much better than children who have grown up their whole lives in this country and have graduated from American high schools.

Here's what I mean. Under our current system, if a young person living in Mexico, England, China or Egypt is accepted for study at an American university, that child is welcome to come here in America with a student visa, so long as they don't pose a threat to the country.

Then, if that same young person can find a job in the United States upon graduating, he or she can often earn citizenship if their employer agrees to sponsor that person for a green card.

But the **DREAM Act** kids, who are educated in our public schools and who are Americans in their hearts and in their souls, cannot go to college if they're accepted into our schools without subjecting themselves to the risk of deportation.

This distinction simply makes no sense. I'd much rather give a slot at one of our universities to a young person who wants to stay here and contribute than to an individual who might want to use their education to return home and compete against our companies.

Third, the **DREAM Act** does **not** even come close to giving legal status to every young person who entered the United States without legal status. It only legalizes the few young people that can keep their nose clean for 10 years, earn a college degree or serve military honorably with distinction. Many would say that those are among the best of people that we want to become citizens.

I can't think of anyone who embodies the rugged American spirit more than these young folks who will succeed and earn legal status under this program.

And I want to think of individuals like Cesar Vargas. He's a graduate of my alma mater, James Madison High School. I played basketball at James Madison and our team's motto was, "We may be small, but we're slow."

(LAUGHTER)

I hope the team was better when Cesar went there.

Anyway, he was brought to the United States by his parents when he was five. He's here today.

I know you had all the **DREAM** kids rise, but maybe if he's **not** too embarrassed, Cesar would rise so I could just wave and say hello.

Hi, Cesar.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

He's wearing the American flag on his lapel, I might note. Right? Did I see that correctly? Yes, we don't have to sing the Madison alma mater together, Cesar, for the sake of keeping the rest of the audience in the room.

When Cesar was in college, he tried to enlist in the military, but was turned away because he didn't have legal status. Today, Cesar is a student at City University of New York of Law. He has a GPA of 3.8. He's fluent in Spanish, Italian, and French and he's close to mastering Cantonese and Russian.

Cesar obviously is a talented individual. He's received lucrative offers to work for corporate law firms outside the United States, but his dream -- his dream and the dream of many of us is for him to stay in the United States and serve our country. He wants to serve as a military lawyer.

Without the DREAM -- and by the way, we need military lawyers who speak all those many languages. Without the DREAM Act, Cesar won't be able to enlist in the military. Haven't young people like Cesar proven that they're worthy of the opportunity to live their dreams?

So I thank everyone for coming to this hearing and I hope we can pass the DREAM Act as part of tough, fair and practical bipartisan immigration reform legislation as soon as possible. And I tell my good friend from Texas, we are continuing to work on a bipartisan comprehensive bill. We are making decent progress and I hope he'll join us in trying to make that happen.

I thank the Secretary Napolitano and Dr. Stanley for indulging me here, and certainly thank Chairman Durbin for leading this hearing and leading this drive for the DREAM Act.

**DURBIN:** Senator Schumer, thank you for that strong statement. We're looking forward to working together.

Our next witness, Janet Napolitano, is secretary of homeland security. Previously, Secretary Napolitano was governor of Arizona. She was the first woman to chair the National Governors Association and named one of the top five governors in the country by Time magazine.

Secretary Napolitano was also the first female attorney general of Arizona and served as U.S. attorney for the District of Arizona. Secretary Napolitano graduated from Santa Clara University where she was the university's first female valedictorian; received her J.D. from the University of Virginia School of Law.

Secretary Napolitano, we look forward to your testimony.

**NAPOLITANO:** Thank you, Chairman Durbin, and thank you, Ranking Member Cornyn. And it's also a pleasure to see Ranking Member Grassley. And we appreciate your work with the department on all of the range of matters before the Department of Homeland Security.

I appreciate the opportunity to testify today in favor of the DREAM Act, which is a priority for this administration. It's important to the nation as a whole. It's important to the mission of the Department of Homeland Security.

The president and the administration strongly support this bill, and I would echo everything that Secretary Duncan said before me.

Now, last December I joined the president and many members of the cabinet in urging the Congress to pass the DREAM Act. In fact, that effort included not only the Departments of Defense and Education who are here today, but also Secretaries Salazar, Locke, Solis, Vilsack and a host of others who worked to make that vote a success.

We were disappointed that this important legislation did not overcome the filibuster against it, but we did not view that as a terminal point for the DREAM Act. And for that reason, I comment you, Senator Durbin, and the numerous cosponsors of the DREAM Act for continuing to work to pass this bill.

The case for the DREAM Act is strong and there are many ways in which this legislation is important for our country. President Obama has called the DREAM Act "the right thing to do for the people it would affect and the

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

right thing to do for the country." And not only is it the right thing, it is the smart thing. Both Democrats and Republicans have voiced support for this common sense bill because it's important to our economic competitiveness, as Secretary Duncan said; our military readiness, as you will hear; and there is, quite frankly, no reason not to pass this important legislation.

It's also important to our law enforcement efforts. And as the member of the cabinet responsible for enforcement, I would like to focus on how the DREAM Act would strengthen our ability to enforce and administer our nation's immigration laws.

The DREAM Act should be seen in the broader context of this administration's comprehensive approach to border security and to immigration enforcement, which has achieved important and historic results. Over the past two years, our approach has focused on identifying criminal aliens and those who pose the greatest security and public safety threats to our communities. This is what any good law enforcement agency does. It sets priorities to make sure we maximize the impact of each enforcement dollar.

The DREAM Act supports these important priorities because only young people who are poised to contribute to our country and have met strict requirements regarding moral character and criminal history would be eligible. These individuals do not pose a risk to public safety. They do not pose a risk to national security. Yet as long as there are no legal options available for them to adjust their immigration status, they will be part of the population subject to immigration enforcement.

It simply doesn't make sense from a law enforcement perspective to expend limited law enforcement resources on young people who pose no threat to public safety, have grown up here and want to contribute to our country by serving in the military or going to college.

The reality is that we have a significant population of people who are in this country illegally, some 11 million. And Congress simply does not appropriate the resources to remove such a large number. So that's why it's been important to develop a clear strategy with clear priorities to guide our enforcement efforts. That's why it's so important that we utilize programs that focus our enforcement efforts on the populations that are most likely to pose a threat to security or public safety.

Now, our department has focused on identifying criminal aliens and those who pose the greatest threats to our communities. And we have prioritized them for removal from our country. We have also worked to ensure that employers have the tools they need to maintain a legal workforce and face penalties if they knowingly and repeatedly violate the law.

Through the establishment of clear priorities, our interior enforcement efforts are also achieving unprecedented results. More than half of those removed last year were convicted criminals, the most ever removed from our country in a single year. And between October of 2008 and October of 2010, the number of convicted criminals that were removed from the United States increased 71 percent, while the number of non-criminals removed dropped by 23 percent.

Indeed, the priorities we have set are strengthened by the DREAM Act. It's simple. Passage of the DREAM Act would allow us to focus even more attention on true security and public safety threats by providing a firm, but fair way for individuals brought into our country as children through no fault of their own to obtain legal status by pursuing higher education or by serving in the United States armed forces.

As introduced, the DREAM Act establishes a rigorous process for those who enter the United States illegally as children, but allows them to obtain conditional permanent resident status by proving that they meet several strict requirements.

Those individuals who would qualify under the DREAM Act do not fall within our enforcement priorities. And passage of the DREAM Act would completely eliminate them from the population that is subject to immigration enforcement.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Now, the **DREAM Act** will neither resolve nor substitute for the need for comprehensive immigration reform. But while the broader immigration debate continues, I urge the Congress to address the **DREAM Act** now. It's common sense legislation. It has been supported, at least in the past, by Democrats, Republicans and independents. And it will assist the Department of Homeland Security in fulfilling our security, our public safety and our immigration enforcement missions.

Thank you for the opportunity to testify. I look forward to your questions.

**DURBIN:** Thank you, Madam Secretary.

Our next witness is Dr. Clifford Stanley, undersecretary of defense for personnel and readiness. Previously, Dr. Stanley was president of Scholarship America, the nation's largest nonprofit private sector scholarship organization; prior to this, executive vice president, University of Pennsylvania.

Undersecretary Stanley, a retired United States Marine Corps infantry officer, served 33 years in uniform, retiring as a major general. He received his B.A. from South Carolina State University; his master's of science degree from Johns Hopkins; and a doctor from the University of Pennsylvania.

Undersecretary Stanley, please proceed with your testimony.

**STANLEY:** Thank you, Chairman Durbin and Ranking Member Cornyn and the other members.

I'm pleased to be here today to discuss S. 952, the Development, Relief and Education for Alien Minors **Act** of 2011, **DREAM Act**, and its impact on our armed forces. The **DREAM Act** would provide a path to legal permanent residence for individuals who have come to the United States at 15 years of age or younger, and have lived here for at least five years.

These young people must also meet several additional requirements before they receive lawful permanent resident status. They include completing two years of honorable military service or two years of college; demonstrating good moral character; and remaining in a conditional status for a period of six years.

As I'm joined on this panel by the secretary of the Department of Homeland Security, who will discuss, and who has already discussed some parts of the **DREAM Act** in immigration and naturalization; the secretary of the Department of Education who will focus on the impact of post-secondary education; my remarks today will be limited to the impact of the **DREAM Act** on the military force and force management.

The Department of Defense strongly supports the **DREAM Act**. This targeted legislation will allow the best and the brightest young people to contribute to our country's well being by serving their country in the United States armed forces or pursuing a higher education.

In my three decades of service as a Marine officer, I served with many people who immigrated to our nation looking for a better life. Since the Civil War, we have embraced the role of immigrants in our armed services. This is nothing new. Regardless of their backgrounds, they had and continued to have one core mission in life: to serve our nation.

Today, more than 25,000 non-citizens serve in uniform, and approximately 9,000 legal permanent resident aliens enlist each year. They serve worldwide in all services in a variety of jobs. They represent the United States both at home and abroad, even on the frontlines of our current overseas contingency operations.

Since September 11, 2001, over 69,000 have earned citizenship while serving and over 125 of those who entered the military service after that date, have made the ultimate sacrifice in war, have given their lives for our nation.

The **Dream Act** expands the opportunity for service to an entirely new group of non-citizens. Those who are in an undocumented status through no fault of their own. The young men and women who would be covered under

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

this legislation would further expand the prime recruiting market for the services and allow us to selectively manage against the highest recruiting status.

They are scholars, student leaders and athletes. In fact, some have participated in high school junior ROTC Programs. These students are culturally American, having grown up in the United States, often having little if any attachment to their country of birth.

They are functionally without citizenship anywhere in the world and passage of the **Dream Act** would offer this very specific subset of young people, the opportunity to serve the nation in which they grew up and provide a path to becoming productive citizens and contributing members of our society.

Candidates enlisting under the **Dream Act** would be subjected to the same rigorous entrance standards as all other applicants, maintaining the highest quality and integrity of the force. They would also be expected to complete the existing terms of service required of all members of the armed services.

The department strongly endorses and supports the passage of the **Dream Act** and believes it will have a positive impact on military recruiting and readiness. I thank you for this opportunity to appear before you today and look forward to your questions.

**DURBIN:** Thank you Dr. Stanley. We're honored to have the chairman of the full Senate Judiciary Committee, Senator Leahy here and I'd like to invite him to make some opening remarks.

**LEAHY:** Thank you very much and one of the things I can say, I was able to schedule two different things at the same time because I knew this was in the hands of Senator Durbin and Senator Cornyn and the others. But I watched Secretary Napolitano, I watched your statement and Secretary Duncan, I agree with what you have said.

And Dr. Stanley, as the proud father of a young Marine I'm delighted to see you here and hear what you said. I know that my son, who is now finished all his Marine duties agrees completely in support of the **Dream Act**. And I, I've been a supporter of this and cosponsor since it was introduced in the 107th Congress and I was disappointed when it didn't **pass** last year.

But Senator Durbin has been the strongest proponent of this. It is just remarkable and I don't want to embarrass him, but if you knew the hours he spends in cornering and collaring Senators and caucuses and everything else pushing for this. The passion is very, very real.

And I think of all the young men and women who worked so hard to support this legislation. They put themselves in an impossible situation. They come out to speak for the legislation. They wish nothing more than to become lawful, patriotic participants in the country they call home and they actually risk their position in this country in speaking out.

And I, I think it's some of the bravest things I've seen. You know the **Dream Act** serves the interest of these United States. It certainly encourages and rewards military service and I agree with Secretary Gates and General Powell, the armed services would be stronger for encouraging more participation by those who want to serve the United States.

If you allow these young people to serve America in their journey to become Americans, it's something we should support. Remember it is a journey for them. But they want to become Americans. We ought to -- as Americans, we ought to be so proud of that, to see these young people wanting to do that.

Just think how extraordinary it is, as you've already pointed out, that men and women, **not** U.S. citizens fight in the service of the United States and its citizens and let's **not** forget, they die in their services to the United States and our citizens.

That says a lot about America, but it says a lot about the character of those who serve in our military who want to become Americans. It also promotes educational opportunities for America's young people. I can see no purposes served by deporting talented, young people who find themselves in a situation **not** of their own making.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Especially for those who wish nothing more than to contribute to the country they call home. Military readiness and higher education are not Democratic or Republican ideals. They're American ideals. They're the kind of ideals that attracted my grandparents -- my maternal grandparents when they immigrated to this country from Italy.

Or my wife's parents when they immigrated to Vermont. To disparage this legislation by calling it amnesty, ignores our fundamental values of fairness and justice. Almost 30 years ago in the landmark Supreme Court case, Plyler vs. Dole, the Supreme Court held that children may not be punished for the actions of their parents.

I find it hard that anyone would disagree with that principle. If you deny these deserving students a chance to gain lawful status, an opportunity to realize their potential, you do just that. So I, I know I preach to the converted with a lot in this room. We just have to convert 50 percent plus one of the House and the Senate because -- or I guess now we have to go 60.

When I came here, you only needed 51 votes to pass on them, but now 60. But whatever it takes, it's a matter of honesty and fairness and what we are as Americans. Every one of us - every one of us have immigrant parents, grandparents, great-grandparents somewhere down the line. We enjoy being Americans. Let people who have worked hard to be Americans enjoy it too.

**DURBIN:** Thanks Chairman Leahy. You've been a stalwart champion and friend on this issue. We're now going to ask questions and I'll be first and then we'll go through the panel here of the first witnesses panel that we have before us.

And before I ask them my first question, I'd like to take a moment to respond to my friend, Senator Cornyn from Texas. To my knowledge the only perfect law ever written was written on stone tablets and carried down a mountain by Senator Moses.

(LAUGHTER)

**DURBIN:** Otherwise we're doing our best and sometimes we do need to improve legislation that's before us. I'm always open to that and I've always been open to good faith efforts to amend the Dream Act to achieve our goals, which I think are fairly simply stated.

I would also say that I have been faulted, maybe even today, for looking for every single opportunity to bring this matter before the United States Senate. I brought it as an amendment to a bill and I was criticized because they said you didn't bring it as a freestanding bill.

Then I brought it as a freestanding bill and they said, well it's the wrong time. It seems like if people are looking for a reason to vote "no", they're always going to find one. But I do want to invite those who are genuinely interested in working on this legislation to work with me.

Let me say a few things about the criticisms that have been leveled. One, this notion that this is an unlimited opportunity for people to qualify under the Dream Act, ignores the obvious. Under the Dream Act, no one will be eligible unless they arrived in the United States at least five years before the bill became law.

So it isn't a completely open-ended opportunity. Secondly, Senator Cornyn has gone through a long list of very serious misdemeanors. And I do not diminish them in any way. I will tell you though, there is a specific requirement in the Dream Act that the person who is applying be of good moral character.

Which means, at the end of the day, they will be judged in the entirety of their life experience and they have to pass that judgment. Third, there are questions as to whether or not there's going to be fraud involved in applications by people under the Dream Act. This bill establishes a criminal penalty for fraud of five years in prison. This isn't a light slap on the wrist, we're serious.

If you want to be serious about becoming an American, at least legally an American -- become an American citizen, we want to make sure that you're honest with us all the way. So let me speak to questions to the panel.



## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Secretary Napolitano, I listened carefully to what you had to say and as I understand it, with 11 million undocumented, estimated, in our country, and your responsibility to deport those whom you consider to be a threat to our country that you have established a priority, as you've said for those who have some criminal background or otherwise some defect -- character defect that might be a threat to America.

And what I'm asking you is, there was a recent memo by John Morton in your department, which established some standards and guidelines for deportation. What are you doing to ensure that the Morton Memo is fully implemented and Dream Act students are not unjustly deported?

**NAPOLITANO:** Well you're right, Senator Durbin. We, we simply don't receive the appropriation necessary to remove everyone who is technically removable from the United States. And so we have to set priorities, that's what good leaders do, that's what good law enforcement requires.

Those priorities have been set forth in the Morton Memo. And they really do focus upon those who provide -- or are the greatest risk to public safety or to security. One of the things we're working on now, is to design a process that would allow us as early as possible, to identify people who are caught up in the removal system, who in the end really don't fit our priorities or in the end, would not be removable, an immigration judge would not find them removable.

We have not perfected such a process, but we certainly are working on the design of one.

**DURBIN:** I hope you can. I hope we can work together. Because I honestly believe that you have an important and serious responsibility to keep America safe. And I believe the overwhelming majority of young people I've met who would qualify under the Dream Act, are not only no threat to America, they are in fact something good for the future of America.

And we want to make sure that we do our part in the Senate and Congress, but to work with this administration so they aren't caught up in deportation when in fact it is not in the best interest of our country.

I'd also like to go to the question that's been raised repeatedly about so-called misdemeanor offenses. As this bill is written, an application under the Dream Act must establish by a preponderance of the evidence that they are of good moral character, going beyond whether or not there's been a misdemeanor on their record.

Can you tell me what that standard means in light of some of the questions that have been raised earlier?

**NAPOLITANO:** Well I think you said it very well in, in your original response to Senator Cornyn. It is looking at the totality of circumstances and the totality of behavior of the individual who is the application for Dream status.

And so there, there are gray areas that in some instances, in some states they may be misdemeanors, in others they may be felonies. But that can all be taken into account by the immigration officer who is processing the application.

**DURBIN:** Secretary Duncan, the argument has been made here today we can't afford these students, they're just too darned expensive, they're going to cost us too much money to educate 'em, and we have to acknowledge the fact we're in a deficit situation.

So are the DREAM Act kids too expensive for the future of America?

**DUNCAN:** Quite to the contrary. The opposite is true. Again, whether it's CBO numbers or you looked at lifetime earnings, Senator, you and I both know we have to educate our way to a better economy. That's the only way we're going to get there. And when we have a couple million unfilled high-skill, high-wage jobs available today, even in this tough economy, we need the workers who can fill those jobs, who have those skills.

The only way we get there is if we have many more people graduating from college. If we want to maintain our economic competitiveness relative to other nations, we have to increase those numbers pretty significantly.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

This is a huge number of young people passionately committed to their education, who are going to make, you know, a lot of money, who are going to pay taxes, who are going to buy homes, who are going to buy cars. They are going to contribute.

And, again, according to CBO's numbers, this will lead to deficit reduction. To not take advantage of this as a country is simply nonsensical to me. This is an investment, not an expense.

**DURBIN:** And isn't it also true that most of these students have been beneficiaries of public education to this point in their lives?

**DUNCAN:** They would basically be the only students who could qualify. Again, going back to your point, they would have to have been here and been in this country for at least five years beforehand, they would have to have graduated from school. These are young people committed to getting an education, committed to contributing.

We have a devastating dropout rate in this country. Years ago it was OK to drop out, you could go get a good job. There are none of those jobs available today. We need to get that dropout rate down to zero. It's far too high in our home state of Illinois. It's far too high in Texas and other states around the country.

By giving that dream, making that dream a reality that young people know they can go to college, will keep many more people engaged, will keep them moving in the right direction. And if we do that, they're going to give so much more to the country than they can by working a bunch of dead end, you know, small-time cash jobs.

**DURBIN:** Secretary Duncan, a few years ago I spoke at the Illinois Institute of Technology commencement in Chicago and watched as master's degrees and Ph.D.s were awarded and saw all of the students, primarily from Asia, as they filed across the stage. And someone said to me later, "Why don't we staple a green card on every one of those diplomas? We need this talent. We need these people."

And I think the point was made earlier by Senator Schumer, do you see some inconsistency in welcoming those born in another land who come to the United States for an education and saying to those who've gathered here with engineering degrees and the like, "Leave, we don't need you"?

**DUNCAN:** Again, that makes no sense whatsoever. And we need people who are going to be the creators, the entrepreneurs, the innovators who are going to create the next generation of jobs, the next Google, the next Facebook. I've seen numbers that show that of all the startup companies that are coming out of Silicon Valley, about a fourth are started by immigrants.

We need that talent. We need them to drive our country forward. They are -- they can be the fuel to our economic engine.

So to not give them opportunity, we hurt our country. And that's what I simply can't get past, I can't understand that.

**DURBIN:** Dr. Stanley, I've heard a lot of suggestions about the DREAM Act over the years, and one of them I've heard more than once, said let's just make this for military. If they'll enlist in the military, then we'll give them a chance to be legal.

In other words, if they're willing to die for our country and wear out uniform, we ought to give them a chance to be citizens, but under no other circumstances.

What's wrong with that position?

**STANLEY:** Well, Senator, just that's a very narrow focus. I believe, and the department believes that that should be a much broader focus. That way we have -- we're looking at increasing the pool, those eligible. We don't want to narrowly scope this so it's just the military. In fact, that would be the opposite of.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

I think the unintended consequences of doing that would not achieve what you want to do. We also would be actually discriminating against those who weren't able to actually be able to serve. We have people, for example, who are disabled, who may have other, disqualifying characteristics through no fault of their own that could not serve in the military, but who are just as qualified.

Again, the pool is the most important for us and having a talented pool to choose from.

**DURBIN:** And we speak with some pride at the fact that we have an all-volunteer military force. In this situation, if this became the only avenue for legalization, it really, I think, runs afoul or in the face of that whole concept of a volunteer military force, does it not?

**STANLEY:** It does, yes.

**DURBIN:** Senator Cornyn?

**CORNYN:** Thank you, Mr. Chairman.

Madam Secretary, in your testimony you assert that only individuals of good moral character who have not committed any crime would be -- would make -- that would make them inadmissible to the United States would be eligible for the DREAM Act.

Later, in your written testimony, you clarify that to mean that no one convicted of a felony or more than three or more misdemeanors could be eligible.

Does it concern you that we have a loophole for people with multiple criminal convictions in a bill that's advertised as helping nonculpable students who've lived lives on the straight and narrow path?

**NAPOLITANO:** Senator, first, I think that, again, we have to look at the totality, and the bill allows the totality of the circumstances to be taken into account in terms of the character of the individual involved. But the criteria as set forth in the bill, the criteria are far more strict than the normal criteria used in the naturalization or the legalization process.

**CORNYN:** Let me ask, do you support the bill as currently written?

**NAPOLITANO:** I do.

**CORNYN:** And the administration, you speak on behalf of the administration, correct?

**NAPOLITANO:** I do.

**CORNYN:** Would you support an amendment that would specify that certain misdemeanor offenses for which a single conviction of those offenses would make someone ineligible, for example an amendment that would strike eligibility for driving under the influence of alcohol or possession of drugs or burglary or theft or assault, would you -- would the administration support an amendment to the -- Senator Durbin's bill that would make people guilty of those offenses ineligible?

**NAPOLITANO:** I think, Senator, that if there -- if you wish to offer some language to actually examine, we would certainly be open to looking at that.

**CORNYN:** Well, that's not particularly reassuring given the track history of Senator Reid bringing the bill to the floor, not allowing any amendments, last December was the last.

But this bill also as written gives you discretionary as secretary of homeland security to waive certain ineligibility requirements. For example, someone who's committed voter fraud, you could, in your discretion, waive that ineligibility requirement.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Under what circumstances would you see yourselves using that waiver authority for somebody who's been convicted of voter fraud?

**NAPOLITANO:** Well, again, I think this is not the hearing to go into some of the actual details of the bill in that sense, and I would suggest...

**CORNBYN:** Of course it is.

**NAPOLITANO:** ... suggest, Senator Cornbyn, that if you have amendments we would be happy to consider them. And this is the time to see that language.

**CORNBYN:** Well, Madam Secretary, you're here under oath, speaking on behalf of the administration on a piece of important legislation that bears -- and I -- you say you support it as written and the administration supports it as written. I think it's appropriate to be able to ask you questions about it.

And, in fact, isn't it true under this legislation that you as the secretary of the Department of Homeland Security would have the authority to waive entirely the education or military requirements and put someone on a path to citizenship? Are you aware of that?

**NAPOLITANO:** Senator, I think that the criteria as listed in the bill are very specific, and that would be the path that we would adopt.

**CORNBYN:** So you wouldn't use the waiver authority that's put in the bill?

**NAPOLITANO:** Not necessarily.

**CORNBYN:** Well, that's not very comforting, "not necessarily." That -- for an administration that's already granted 1,433 waivers of the health care bill that's passed, 3.2 million people are not required to comply with the health care law that passed, the controversial health care bill that passed this Congress, and to give you or any other non-elected, non-accountable individual complete discretion to waive the requirements of the law, I will have to tell you, is not comforting to me.

But let me ask you, Senator Durbin, I believe, asked you about the so-called Morton memo. And in fact on Monday the Houston Chronicle broke a story that uncovered what they -- what they said was an apparent attempt by the Department of Homeland Security to mislead the public and the Congress with regard to selective enforcement of certain immigration offenses.

In fact, one spreadsheet that was produced indicates that ICE attorneys in Houston alone sought the dismissal of deportation proceedings against 78 aliens convicted of offenses including sexual assault, kidnapping, assault with a deadly weapon, solicitation of murder, burglary, delivery of drugs, theft, forgery and DWI, to name just a few.

And in fact in 2010 I wrote you a letter and asked you for details with regard to this program. In response, the Department of Homeland Security assured me that a directive instructing ICE attorneys to seek dismissals of immigration proceedings involving certain classes of criminal aliens, quote, "does not exist." But, indeed, now, as the Houston Chronicle reports, it did exist, it does exist.

Could you explain the apparent discrepancy between your response to a question about the existence of this memo and what the Houston Chronicle reported on Monday.

**NAPOLITANO:** I would be happy to. The director has responsibility for immigration enforcement across the entire country, many field offices across the land, all dealing with different circumstances, all the time. And his job, and I've asked him to do this, is to make sure that there are clear priorities that are set and enforced.

Unfortunately, one of the 26 field offices conflated two different memos that had come out and misconstrued what he directed. That has since been clarified, cleared up and fixed. And I'd be happy to provide your office with a side briefing on that.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

But the plain fact of the matter is that as -- that a miscommunication occurred at the regional level in one of 26 offices.

Now, that doesn't really, I think, pertain here, and I'll -- and I'll tell you why.

**CORNYN:** Well, Senator Durbin...

**NAPOLITANO:** What we're talking about here...

**CORNYN:** ... Senator Durbin asked you about it. I beg your pardon. And so you answered questions about the Morton memo and about your policy for selectively enforcing immigration laws based on what you say are scarce resources.

Have you requested Congress to provide the appropriations necessary for you to enforce the law as Congress has written?

**NAPOLITANO:** We certainly have provided Congress with the information about what it would take to remove 11 million people from the country.

**CORNYN:** And that's not the question, Madam Secretary. My question is, have you requested Congress the appropriations to enable the Department of Homeland Security, which is committed with the enforcement of our immigration laws, with the ability to do its job?

**NAPOLITANO:** Senator, as you know, because this dialogue has gone on for quite some time in the Congress, we have provided the information about what it would take to do removal of everyone in the country.

It's obvious that those resources aren't available.

And when you're talking about DREAM Act students, it really doesn't make sense. We really need...

(CROSSTALK)

**CORNYN:** Madam Secretary, you are not answering my question. And let me close with...

**NAPOLITANO:** Well, perhaps I'm not understanding your question. I thought I was answering it.

**CORNYN:** Well, you're not. So maybe we need to continue the dialogue.

**NAPOLITANO:** Be happy to.

**CORNYN:** Secretary Duncan, let me just ask, since my time is -- my time is quickly escaping us, you talk about the importance of being able to retain in this country highly educated people who hail from other countries, who were educated in our institutions of higher education.

And I actually agree with you.

That's why I've been the principal Senate sponsor of something called the "SKIL bill," which would actually raise the number of H1-B (ph) -- the cap on H1-B (ph) visas to enable people who graduate with the math, science, engineering and other degrees at the graduate or post-graduate level, to enable us on a selective basis to retain them here in this country, so they don't simply take the education that taxpayers have subsidized here and to go back home and then compete with us, to create jobs there.

Do you and the administration support a lifting of the cap on the number of H1-B (ph) visas here, so we can retain more of these students that are highly education and who -- whose educations are subsidized by taxpayers here in America?

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

**DUNCAN:** I'll just speak personally that I think in this country we need as much talent as we can get, and we need, again, the innovators, the entrepreneurs, the folks who are going to create jobs.

And I think you have a roomful of young people here who have that -- those skills, have that capacity. I want to give them those kind of opportunities.

**CORNYN:** Well, do you know -- do you know for a fact that -- that the young men and women here in this room who -- who seek passage of this authority would, in fact, qualify for those 3 millions of jobs that are unmet right now?

**DUNCAN:** I don't know all these young people intimately here. So I'm here today. But I will tell you there are many young people in this room and around the country, in your home state and mine, who when we talk about almost 2 million unfilled STEM jobs, and we know that's the future economic engine of our country, could many of the young people in this room and around the country help to fill those jobs and drive the economy?

No question in my mind. Absolutely. I've worked with many of them in the Chicago public schools. Extraordinarily talented.

**CORNYN:** Mr. Chairman, I wonder if you'd permit me one last question, and then I will -- and this is for Dr. -- Dr. Stanley.

Dr. Stanley, you're aware, aren't you, that under the current law, that the secretary of defense can waive certain ineligibility requirements (sic) for somebody who's not a green card holder or an American citizen and allow them to serve in the United States military?

Are you aware of that, sir?

**STANLEY:** I believe you're referring to -- to military accessions for vital national interest?

**CORNYN:** (inaudible). Yeah, this is U.S. -- it's 10 USC, Section 504. And it provides a discretion on the part of the defense secretary to allow the enlistment of somebody who's -- who does not -- who meets perhaps the situation of Cesar Vargas (ph), who is not a green card holder, but it gives that discretion.

Are you aware that there is a discretion under current law to allow certain individuals on a selected basis to serve in our military who are not green card holders or American citizens?

**STANLEY:** I am, Senator. It's a very narrowly focused program that's actually for very specific skills, like medicine or language.

**CORNYN:** In fact, it's never been used. Right?

**STANLEY:** It has been used.

(CROSSTALK)

**STANLEY:** It has. Yes, Senator. It's been used as -- in fact, it's a pilot program that's actually being used now. And we use that for very specific skills.

**CORNYN:** Well, I would love to get the information. My staff was provided or provided me said that it had never been used, so I'd love to get that information from you and your -- your office.

**STANLEY:** We'll get it.

**CORNYN:** Thank you very much.

Thank you, Mr. Chairman.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

**DURBIN:** Thanks, Senator Cornyn.

Our information says it's never been used for undocumented immigrants. It might have been some other immigration status.

**STANLEY (?):** That's correct.

**DURBIN:** I believe later in the hearing Lieutenant Colonel Margaret Stock is going to testify about the challenge that would present.

Senator Leahy?

**LEAHY:** Thank you, Mr. Chairman.

(inaudible) Dr. Stanley, and I'm not going to be here for Colonel Stock's testimony. But it points out in her testimony on the DREAM Act, beneficiaries would be subject to all the statutory and contractual obligations of a U.S. citizen recruit, but would be ineligible for officer commissions, ROTC scholarships and other opportunities. They have to wait longer to become eligible (inaudible) and other noncitizens who serve in our military, that really doesn't sound like amnesty.

Do you, given these higher demands on DREAM Act beneficiaries, do you think that you'll still find enjoying our military?

**STANLEY:** Yes, Senator, we do. We believe that we'll find -- because the standards for enlistment will not be relaxed, and we have to have qualified people who not only pass the physical but also the mental, and obviously have the moral background and all the things that go into being good citizens in order to be able to enlist into the military.

**LEAHY:** You talk about the historical contribution immigrants have made throughout history in our military, and without going into the area of this, and you understand why, I remember a person, not military, he was an immigrant, in the area of conflict in this country, and fortunately had language skills that were extremely helpful to others in the military and to our intelligence people.

And is that not a -- another area? I mean you -- you talk about diversity. Aren't we better off with diversity within our military? In -- in -- as not just in race or place of origin, but languages and all the rest?

**STANLEY:** Yes, that's correct, Senator. The issue of having language and cultural diversity within the military is very important.

And, in fact, just the other day, we met with some of our combatant commanders who actually emphasized that need as we go into different geographical regions in the world and preparing for actually what we may be doing tomorrow as well as executing what we do today.

**LEAHY:** Secretary Napolitano, I appreciate you being here. I -- can we -- can we assume that you will come to testify before the full committee in your capacity as secretary before the year's out?

**NAPOLITANO:** Yes.

**LEAHY:** Thank you.

Let me ask you this: You're -- you were the governor of a southern border state and before that prosecution and secretary of homeland security. And some have argued that if we have the DREAM Act, it's going to encourage more illegal immigrants in the future.

That assumes that, I guess, foreign nationals would come to the United States unlawfully in anticipation that some future acts of Congress would provide relief.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Do you buy that argument?

**NAPOLITANO:** No. I think as the bill is drafted, there is -- there is a time period during which eligibility would attain. But after that, there would not be eligibility. So it is not an unending process.

This is really dealing with the young people the likes of which we see in the room this afternoon.

**LEAHY:** And the current estimates are approximately 2 million individuals currently in the United States qualify for the DREAM Act if it was enacted.

If it was enacted and the steps were being followed, would that free up some of your personnel in your -- in Homeland Security to go off to do what most of us would consider better law enforcement actions in identifying and removing criminal aliens?

**NAPOLITANO:** Yes, it would. And that is the whole point of -- I mean, clear guidelines, clear priorities, but what we would urge the Congress to do is to take this group of young people who are no risk to public safety, no risk to security, who have no individual culpability, and take them out of the universe of those against whom any enforcement action should be taken, so that we can focus on others who are a more serious risk to our -- to our nation.

**LEAHY:** Secretary Duncan, I believe you've probably answered it, but I just want to make sure. Some of -- and obviously I'm a -- I'm a supporter of the DREAM Act, but some have argued that it could impose higher costs on public colleges and universities through increased enrollment and people eligible for in-state tuition and so on.

We have -- in my home state of Vermont, we have public universities and we have state universities. How do you react to a criticism like that?

**DUNCAN:** I just look at the CBO's numbers that show this reduces the deficit, that this is a budget saver, not an expense. And I've never seen a study in my life that said that investing and getting more young people college educated would somehow hurt the economy. It's just absolutely counterintuitive.

We desperately, frankly, need many more young people in this country not just going to college, but graduating. And we have so much talent here, so much potential, to leave them on the sidelines, it sickens me.

**LEAHY:** Well, I don't disagree with that. I -- and there was some statistics in the paper the other day, a number of states with aging populations. We ought to be -- we ought to be getting well- educated young people into our workforce, not the other way around.

**DUNCAN:** We've gone from first in the world in college graduates to ninth. And I think we're paying a real price for that economically.

And the president has challenged us to again lead the world in college graduates by 2020. And we have so many people who could contribute to us again leading the world and not given that opportunity. It's nonsensical.

**LEAHY:** Well, Secretary Duncan, you've been to my state. I still think of the day when both you and my wife received honorary degrees from St. Michael's College, but we also -- you came to probably the only really diverse school in the area, where a lot of immigrants have come and a lot of refugees have come. There's dozens of languages spoken there.

But our state as a whole is not a diverse state. I think we're 97 percent white. We -- but I've got to tell you that my state of Vermont, there is strong, strong support for the DREAM Act.

Strong support for it, because Vermonters believe in fairness. Certainly, it's going to affect a lot of those young children you had school lunch with that day. But we Vermonters believe it's simply a matter of fairness. And an awful lot of Vermonters are only a generation or two away from immigrants. We believe it's a matter of fairness. I



## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

believe it's a matter of fairness. And for whatever time I have left in the Senate, I'll fight along with Senator Durbin for it.

**DURBIN:** I need your help. Thank you.

Senator Franken?

**FRANKEN:** Thank you, Mr. Chairman.

I also want to thank you, Secretary Napolitano and Secretary Duncan, Dr. Stanley. I especially want to thank all the students who are in the audience today. I think what you're doing is important and I think it's brave and I commend you for it.

Now, before I begin my questioning, I want to take a moment to explain why I support the **DREAM Act**. Since coming to office, I've learned a lot about so many Minnesotans, so many students like yourselves. I learned about a student whose parents brought him to the United States, the suburbs of the Twin Cities of Minneapolis and St. Paul when he was eight years old. And he saves up all his money every year just to take one class at the University of Minnesota because that's all he can afford.

I learned about a young woman who cleans bathrooms in a dental clinic in Apple Valley in Dakota County, who wants to start her own design business. I learned about a young man who is student body president of his Minnesota college and wants to become an educator for kids who are poor like him.

Each of those students is just like you. Each of those students is so smart and so capable and so good. And each one of those students has a **dream**, but because of this injustice in our law, those students are stuck. And I applaud you. I applaud you, Mr. Chairman, for drafting a bill that would end that injustice and I'm a proud -- proud supporter of this bill.

And I sincerely believe that the day after it **passes**, there will be lines out the doors of college registrars and military recruiters across this country.

I want to say -- talk about one -- I did a lot of USO tours. And the USO asked me to go to Walter Reed. And I had the same experience that I think that probably everybody who goes to Walter Reed has, which is you go there thinking like how am I going to cheer up a guy whose lost a limb? And you always end up getting cheered up yourself is what your experience is. I'm sure you've had that. It's everyone's first experience.

So I go in there and they've got to go in and ask each soldier, wounded soldier whether they want a visitor. So I remember is was Specialist Melendez -- I saw his name on the door. And they went in and said, you know, you obviously ask. They came out and they said, "OK, Al, you know, go in." And so I'm nervous, and I see Specialist Melendez and he's grinning ear to ear, **not** because I'm coming in, but -- and I thought it was because he was watching something on TV. And his dad was there grinning ear to ear.

And I started talking to him. And he had lost one leg right up to his hip and the other leg above the knee. He was grinning because he had just become a citizen. And I asked him how many guys in his unit were immigrants. And he said, "five back in Iraq." I guess none of them had become citizens yet.

I also learned on those tours that there are undocumented serving in our military. Is that the case, Dr. Stanley? I mean, there are **not** supposed to be, but there are. Right?

**STANLEY:** Senator, I have to take it for the record. That I don't know about undocumented.

**FRANKEN:** Yep, yep.

OK. You know, they manage to do it.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

So let me ask a question. If an undocumented managed to get into the military, which they do, and they got wounded, say, after this was passed, but they had committed a couple of misdemeanors. Would a person who had done that and lost a leg, fought for -- served in our military, would you be able to give them a waiver, Madam Secretary?

**NAPOLITANO:** Well, you present a compelling case. And every exercise of waiver authority needs to be narrowly construed because we want to follow the words of the statute. But the case you describe, depending on what the misdemeanors were, but if they were truly minor misdemeanors and someone had sacrificed limbs for their country, and they otherwise met every other criteria of which there is a long laundry list of in this bill, that would be something that would be considered for a waiver. Yes.

**FRANKEN:** So maybe that waiver is a good thing.

Mr. Chairman, two months ago you sent a letter with 21 other senators to President Obama asking him to grant deferred action to DREAM Act-eligible students while we work on passing this legislation. I'd like to let everyone know that today I'll be sending a letter, my own letter, to the president in support of deferred action. I think it is the least that we can do to stop this injustice from getting any worse.

Secretary Duncan, you talked about a CBO report on how this would affect -- how passing the DREAM Act would affect our deficit. We're now in the middle of talks about the budget and about deficits, and long term -- about the long-term sustainability of our debt. Can you talk about what this would do in terms of bringing down our debt?

**DUNCAN:** Sir, this is -- these are the CBO's numbers, not mine. The CBO, as you know, is nonpartisan. Their numbers are very simple. They estimate that if the DREAM Act would pass, it would generate \$1.4 billion more dollars in revenue...

**FRANKEN:** Trillion.

**DUNCAN:** ... billion...

**FRANKEN:** Billion.

**DUNCAN:** ... \$1.4 billion more in revenue than it would add in costs over the next decade. So this is a deficit reducer.

**FRANKEN:** OK. I'm sorry -- \$1.4 trillion is the amount of income they would have, but \$1.4 billion is the...

**DUNCAN:** ... is the deficit reduction. And the \$1.4 trillion, that's the bottom number in terms of income. It was a range between \$1.4 trillion and \$3.6 trillion. So these are huge numbers. And again, you know all the buying power, purchasing power and what that would mean for our country to have that happening, rather than, again, a bunch of people working for peanuts under the table.

**FRANKEN:** Thank you very much.

Thank you, Mr. Chairman.

**DURBIN:** Thank you, Senator Franken.

Senator Grassley?

**GRASSLEY:** In light of the figures that were just given, I have to ask, based upon what the Congressional Budget Office assessed a version of the DREAM Act this past December. So I'm going to ask Secretary Napolitano. Their estimate of a \$5 billion increase to the deficit, while a huge burden, does not come close in my opinion to the actual costs of implementation of the bill.

So a simple question to you. What is the department's estimate of the implementation of this bill? And where will the money come from?

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

**NAPOLITANO:** Well, we think we could handle the implementation of this bill in CIS. And if I'm not mistaken, I believe there's also a fee mechanism in the bill as well, as there are for many of the citizenship programs that we administer. This is a budget-neutral bill, in other words.

**GRASSLEY:** OK. So your opinion is a lot different than what the Congressional Budget Office had.

Let me go on to another point. On May 10th, 2011, President Obama address an El Paso crowd on immigration. In that speech, he stated, quote, "And sometimes when I talk to immigration advocates, they wish I could just bypass Congress and change the law myself, but that's now how our democracy works," end of quote. On June 17th, USCIS released a memo giving ICE officers, agents and attorneys prosecutorial discretion for instances involving undocumented immigrants on a case-by-case basis.

Does this change in course reflect an administrative bypass of Congress?

**NAPOLITANO:** I believe, Senator Grassley, you are referring to the memo from the ICE director to the field?

**GRASSLEY:** Yes.

**NAPOLITANO:** OK. No, it doesn't bypass Congress at all. It recognizes that we have sworn to uphold the existing immigration law, which we will, but we are in essence in many respects a prosecution office, and prosecution offices have priorities. The Department of Justice, the United States offices have priorities. There's the U.S. attorney's manual that governs priorities.

It's about allocating properly, and with the public safety of the country number one in mind, the resources that we're given by the Congress.

**GRASSLEY:** If, Secretary, again, if the Congress fails to enact a version of the DREAM Act, will the president and/or the department bypass Congress and implement it administratively? Can you give this committee assurances a mass amnesty will not be done administratively under President Obama?

**NAPOLITANO:** Yes. And the president has been very firm on this. In meeting with groups that very much want him to do or accomplish a DREAM Act administratively, he has said no. This is for the Congress to debate and to decide. But what is within the executive prerogative is to set prosecution priorities, which is what -- what we have done.

**GRASSLEY:** Are you aware of -- well, no. Let's back up. You use the words "prosecution priorities." I was asking about would there be any mass amnesty done, which...

**NAPOLITANO:** Perhaps we're just thinking about the same thing and using different words. There is no mass amnesty here.

**GRASSLEY:** OK. Are you aware of any discussions within the department to extend deferred action or humanitarian parole on a categorical basis such as those who would benefit under the DREAM Act?

**NAPOLITANO:** I am aware that there were some lower-level discussions, but the policy of the department is that there can be no categorical amnesty and there will not be, which is why the Congress needs to act.

**NAPOLITANO:** There is some urgency here with these -- with these young people.

**GRASSLEY:** Would you be willing to give the committee notification of every instance the department grants deferred action to a DREAM Act-eligible person so that we know that you're truly doing this on a case-by-case basis?

**NAPOLITANO:** We would be willing to discuss that with you, a process for that, yes.

**GRASSLEY:** I'm not so sure but what -- we've had so many correspondence here over the last year on this issue, I'm not so sure we haven't already asked you that, but...

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

(CROSSTALK)

**GRASSLEY:** ... so I'm not sure I want to discuss it anymore.

(LAUGHTER)

**NAPOLITANO:** Senator, we've had an awful lot of correspondence with the committee on various issues. But I think the point of the question is would we agree to some oversight of how the deferred action process is being administered?

And the answer is we want to be very transparent about how we are exercising the authorities the statutes give us.

**GRASSLEY:** OK. In response to the discretionary memo of June 23, 2011, Chris Crane, president of the National ICE Council, stated, quote, "Any American concerned about immigration needs to brace themselves for what's coming. This is just one of many new ICE policies aimed at stopping the enforcement of U.S. immigration laws in the United States. Unable to pass its immigration agenda through legislation, the administration is now implementing it through agency policy," end of quote.

I'd like to have you rebut the assertion that the department is -- this assertion that the department is bypassing Congress.

**NAPOLITANO:** I think he could not be more wrong. And I -- and I don't know where he gets his information, but the enforcement record of this administration is unparalleled. We have enforced the law. We have improved the -- the removal of criminal aliens. We have removed more people from the country.

And we get criticized for that. In fact, I suspect we've been criticized by some of the people attending in this room in support of the DREAM Act.

But it is our belief that enforcement of the immigration law is very important, done smartly, intelligently, effectively and fairly.

We also believe, however, that the DREAM Act-eligible students, or applicants for the military, are -- are not those against whom the full force of the immigration law and removal from the country is appropriate.

That's why we believe that Congress should address this and provide a legislative -- legislative fix for this problem.

**GRASSLEY:** Unrelated to the DREAM Act, but because I promised -- I'm not going to ask you a question for answer orally, but I'd like to have an answer in writing. And this is because I promised the Brian Terry family that every time I got an opportunity to ask somebody that had anything to do with Fast and Furious or immigration, that I would ask this question.

Last week, Chairman Issa and I sent a letter regarding your department's involvement in that. It's a follow-up letter that I sent in March that Customs and Border Protection refused to answer. I'd like to have you give a complete and thorough, timely response to that letter.

In addition to that, what's in that letter, I'd like to ask you to comment, not now but in writing -- U.S. Attorney Arizona Dennis Burke is your former chief of staff. Have you had any communications with him about Operation Fast and Furious or about Agent Terry's death at the time? And if so, I'd like to have you describe that communication.

Now, I've got an opportunity for one more question.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

The legislation broadly allows the secretary to set forth the manner in which those seeking benefits under the **DREAM Act** to apply. This concerns me. One requirement is the -- the undocumented person must initially enter the U.S. before the age of 16.

As you know, many countries do **not** keep accurate records of birth and fraudulent documents are rampant. What documents would you require to determine age? And how will you determine when the undocumented person actually entered the United States? And what steps will you take to ensure this legislation does **not** exacerbate black-market or fraudulent documents?

**NAPOLITANO:** We will obviously take that up administratively, but one of the things we have done in the last two years is greatly increase our anti-fraud efforts in the entire immigration benefit process.

So, for example, we now have anti-fraud officers in all of the 184 field offices that we have. We have special anti-fraud units that are in some of the higher-use offices. We have a lot better way of checking records and verifying records in part because of the greater use of biometrics, biometric passports and the like.

So we have a number of different ways to address that particular issue to make sure that the **DREAM Act** is **not** used as a vehicle for fraud.

**GRASSLEY:** Thank you, Mr. Chairman.

Thank you, Madam Secretary.

**DURBIN:** Thank you very much, Senator Grassley.

And I know Senator Blumenthal is trying to join us, so if he arrives in a minute or two, I'm going to give him a chance to ask questions.

But I'm -- at the end of the hearing, I'm going to be entering into the record 141 statements of support for the **DREAM Act**. And I'd like to just say to this panel, because we've had a number of questions related to the impact of the **DREAM Act** on education.

And I want to make it clear that we have statements of endorsement of this legislation from a long, long list of colleges and universities across the United States, including the American Association of Community Colleges, the American Association of State Colleges and Universities, the American Council of (sic) Education, the -- the Association of Jesuit Colleges. The list goes on and on.

If these organizations thought the **DREAM Act** was a threat to the future of education, they certainly would **not** endorse it. They have, and we're -- we're honored to have their support.

I am also happy to have the support of so many different religious organizations who have weighed in on behalf of this, from Christian and Jewish and different organizations, including the Association of Catholic Colleges, the National Association of Evangelicals, the Southern Baptist Convention.

It is a -- just a broad array of people who are supporting this in principle.

Senator Blumenthal cannot make it in time, so I'm going to thank this panel for their testimony. We appreciate so much your being here. There may be some written testimony, or written questions, rather, coming from other members of the committee, and I hope you can respond to them in a timely way.

I appreciate very much your testimony. Thank you.

I'm now going to invite the second panel to come before us. And as they do, I'm going to read their introductions, in the interest of time.

OK.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Well, our first testimony is going to come from Ola Kaso, who is sitting down at the table now. We welcome you.

We have a statement from Senator Carl Levin, who is honored to bring her to this hearing this morning, and he called me because he was so excited about her testimony. He is stuck in another committee hearing but strongly supports the **DREAM Act** and is standing behind Ola Kaso's testimony.

She graduated from high school in Warren, Michigan, earlier this month, with a 4.4 grade point average. She's enrolled in the honors program at the University of Michigan, where she will be a pre-med student.

Senator Carl Levin is a co-sponsor and strong supporter of the **DREAM Act**, as I mentioned. Earlier this year, he intervened with the Department of Homeland Security to stop Ms. Kaso's deportation. Senator Levin submitted a statement for the record, and here's what it says.

"We need for Ola Kaso to be able to stay in this country. We need her and the people like her in our communities and our schools and universities and our businesses. This is a matter **not** of Democrats and Republicans, left and right, but of right and wrong. And I encourage this subcommittee and my colleagues in the Senate to embrace Ola Kaso and young Americans like her who will make our country stronger if only we allow them to."

Ms. Kaso, thank you for being here today, fresh out of your high school graduation. And we'd like to give you a chance now to make an opening statement.

**KASO:** Thank you.

Chairman Durbin and members of the subcommittee, thank you for the opportunity to submit this testimony.

I was five years old, but I remember it like it was yesterday. Apprehensively, I teetered into the perplexing classroom. Students spoke in a language completely foreign to me. The teacher, too, spoke and pointed in a certain direction.

What did she want me to do? Where did she want me to go? I stood there frozen still and silent like a statue. The children stared and they laughed. After a week of my unrelenting silence, I was directed to the principal's office. My mother was there, too, seated to the right of the translator that had helped her enroll me into school.

The teacher spoke and the translator began speaking, too. She says "Ola might need special attention. She barely socializes with the other kids and she's **not** learning anything. She suggests that Ola be taken out of the general class and be placed into the ELL program so she can get the extra assistance she needs."

I've come a long way since that day 13 years ago. I've become proficient in the English language and I've excelled in my studies. Since the third grade, I've been placed in advanced programs, all of which I fully utilized.

I have taken every advanced placement course my high school has offered and I've earned a 4.4 GPA doing so. I earned a 30 on **ACT** with English being my highest score.

In high school I was a varsity athlete. I ran cross-country in the fall and I played tennis in the spring. I was treasurer of Student Council and I was treasurer of the National Honor Society.

Furthermore, I tutor students that are still struggling to become proficient in English, and I've received numerous scholarship offers, and I've been accepted to several universities.

I commit countless hours to community service and charity events because I feel that big change comes through little steps. I juggle all my schoolwork, after-school activities and community service projects while also having a job.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

I have completely immersed myself within the American culture of which I so strongly desire to become a citizen. I am currently enrolled in the University of Michigan, one of the most prestigious public universities in the nation, where this fall I will be majoring in Brain, Behavioral and Cognitive Science with a concentration in pre-med.

I ultimately aspire to become a surgical oncologist, but more importantly, despite seemingly endless obstacles, I intend to work for patients that cannot afford the astronomical fees accompanying life- saving surgeries, patients that are denied the medical treatment that they deserve.

My goal is not to increase my bank account. My goal is to decrease the amount of preventable deaths. How can I go to a lucrative job every day knowing that there are mothers wasting away in front of their children because they cannot afford a surgery? I cannot and I will not. I wish to remain in this country to make a difference. I wish to remain in this country to help American citizens.

On March 28th, I was spontaneously told that I would be deported in less than a week, despite the fact that my family has complied with all immigration laws for the last 13 years.

I was two months short of obtaining my high school diploma. I was shocked. How could I be sent to a place that I didn't even remember, a culture that is completely foreign to me?

I'm not even fluent in Albanian, so if I were to be sent back I cannot pursue a college education.

My hard work, my dreams and my future are at risk of being eradicated. I have considered one country and one country only to be my home. America is my home, not Albania.

My community rallied behind me. They asked for my deportation to be suspended, and the Department of Homeland Security responded and granted me deferred action for one year so I can continue my studies.

My family came here legally and we followed the law every step of the way. Despite my compliance with the law, there is no way I can obtain citizenship under the current law.

Despite all my hard work and contributions, I face removal from the only country I've ever considered home. Despite my aspirations and good intentions for my country, I face deportation in less than a year.

I am a DREAM Act student. I was brought to this country when I was five years old. I grew up here. I am an American at heart.

There are thousands of other dreamers just like me. Look around the room and you will see hundreds of them today. All we are asking for is a chance to contribute to the country that we love. Please support the DREAM Act.

Thank you again for the opportunity to testify today on behalf of all the dreamers.

**DURBIN:** Ola, thank you. You were speaking for thousands just like you all across America and you were very effective. Thank you for doing that.

Our next witness is Margaret Stock, a retired lieutenant colonel in the U.S. Army Reserve. Lieutenant Colonel Stock is counsel at the law firm of Lane Powell. Previously she was a professor at the U.S. Military Academy at West Point, a partner at the law firm Stock & Moeller, and an associate at the law firm Atkinson, Conway & Gagnon.

Lieutenant Colonel Stock received a bachelor's from Harvard and Radcliffe Colleges, a J.D. from Harvard Law School, a master's in public affairs from Harvard's Kennedy School of Government, and a master's of strategic studies from the U.S. Army War College.

Lieutenant Colonel Stock, we look forward to your testimony.

**STOCK:** (OFF-MIKE)

**DURBIN:** You have to hit the button in front of you.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

**STOCK:** I appreciate the opportunity to testify before you today regarding the **DREAM Act**.

In addition to the qualifications that you mentioned, I earlier heard a question from Senator Cornyn regarding the MAVNI program. And I would like to mention that I was the original project officer for the MAVNI program under the Bush administration, so I'm prepared to answer questions about that issue, although that is **not** the subject of the hearing today.

I'd also like to mention that among my professional affiliations I have membership in the American Bar Association, where I'm a commissioner of the Commission on Immigration; the American Immigration Lawyers Association; the Federalist Society for Law and Public Policy; and the Republican National Lawyers Association. I'm mentioning those only to reveal my potential biases at this hearing.

Over the years as an attorney I have represented hundreds of businesses, immigrants and citizens who seek to navigate the difficult maze of U.S. immigration law, and I'm prepared at this hearing to address some of the specific questions that Senator Cornyn and others raised earlier about, for example, the effect of the provision in the new version of the **DREAM Act** with regard to good moral character, which -- for which there is no waiver authority granted to the secretary of the Department of Homeland Secretary. So I would like to mention that I'd like to address that later.

I'm honored to be appearing before you this morning to address the **DREAM Act** because the **DREAM Act** is essential to our national security, our economy, and it's necessary to end the colossal waste of human talent that's going on right now with the status of these American-educated young people.

The **DREAM Act** is part of a comprehensive solution to our nation's immigration problems, but as others have noted, it's perfectly reasonable to **pass** it as a stand-alone bill, and I applaud you for holding a hearing to address that issue in hopes that this can be **passed**.

As the Council on Foreign Relations' Independent Task Force on U.S. Immigration Policy explained recently -- and I also should reveal that I served on that task force under Jeb Bush and Mack McLarty -- the council endorsed -- the independent task force endorsed the **DREAM Act**, saying the **DREAM Act** is no amnesty, it offers to young people who had no responsibility for their parents' initial decision to bring them into the United States the opportunity to earn their way to remain here.

And more particularly, the **DREAM Act** will enhance America's ability to obtain future high-quality recruits for the United States armed forces.

The reality of our nation's broken immigration system has been that we now have in the United States today a very large population of persons who have no means of obtaining lawful permanent residence here, even if they've lived in America for decades, gone to school here, paid their taxes and committed no crimes.

Many of these individuals are legally in the U.S. in some status that falls short of lawful permanent residence, but some 12 million are unauthorized, including an estimated 2.1 million youth and young adults.

Despite the fact that many of these undocumented young people have grown up in the U.S., attended our schools and demonstrated a sustained commitment to this country by learning English and succeeding in our educational system, U.S. immigration laws provide no avenue for them to obtain any legal status.

The **DREAM Act** would allow them, those young people who have grown up in this country, graduated from high school, been acculturated as Americans and have no serious criminal record and meet the good moral character requirements to go to college, serve in the military, and thereby legalize their immigration status.

Those who oppose the **DREAM Act** often mistakenly repeat the popular misconception that these young people should just get in line like everyone else. But without the **DREAM Act** there is no line for them to stand in.

The inability of this large group of young people to obtain any legal status has far-ranging social and economic impacts, **not** least of which is an obvious impact on the qualified manpower available for the U.S. armed forces.



## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

Currently, unauthorized young people are barred from enlisting in the U.S. military. And I'd just note for the record that the suggestion that the Department of Defense should be hiring undocumented persons who are not authorized to work in the United States is interesting in light of the fact that every other U.S. employers is barred from employing people who are not authorized to work in the United States.

Persons lacking familiarity with today's enlistment process might believe it's possible for the services to enlist undocumented immigrants, but in reality the services do not have the legal or administrative authority to enlist somebody who has no record with the Department of Homeland Security and is not authorized to work in the United States and who has no valid Social Security number. So the services cannot use their 10 United States Code 504 enlistment authority to enlist undocumented immigrants.

In contrast, the Department of Homeland Security has the institutional expertise and processing systems required to take applications from unauthorized immigrants, fingerprint them, collect their filing fees, vet them against complex inadmissibility and removability criteria, create alien files on them, assign them alien numbers, and other process them for conditional permanent resident status.

And under the DREAM Act, this process will happen before these young people appear at a recruiting station and try to enlist. So they will be legal when they approach a military recruiter. The Department of Defense will not be in the position of trying to hire people who are unauthorized to work.

The DHS process will be a first gate to screen out persons who are unsuitable for military service as a result of having serious criminal or immigration violations or who lack good moral character. And the DREAM Act appropriately assigns to DHS the role of accepting these applications and conducting this immigration law vetting before any of them are given conditional lawful resident status.

Under the DREAM Act, all DREAM Act beneficiaries who attempt to enlist will have conditional lawful permanent residence, a status that is already recognized in existing enlistment and statutes and military regulations.

Some people have suggested that the Department of Defense create a military-only DREAM Act, but such a program would present a greater security risk to DOD, would flood military recruiters with unqualified applicants for enlistment, and would require significant changes in military enlistment regulations and recruiting resources.

A military-only DREAM Act would also contradict the fundamental premise of the all-volunteer force, as many DREAM Act beneficiaries would be motivated to join the military out of a desperate desire to legalize their status and not because they are truly interested in military service.

It's important to note, and other witnesses stated this earlier, that DREAM Act beneficiaries will have the same statutory and contractual enlistment obligations as all other military personnel. The only difference is that they will be unable to naturalize through military service until they have lifted the conditions on their lawful permanent resident status, a process that's likely to take about seven years in most cases. So they won't be eligible to become citizens immediately under military naturalization statutes.

Some have opined that the DREAM Act is unnecessary because the armed forces are currently meeting their enlistment goals, but this is also a misinformed opinion. The current beneficial recruiting environment is a direct result of the poor state of the United States economy. As the U.S. economy recovers from the current recession and our population continues to age, the armed forces will face a very difficult recruiting climate.

Now, we know that DREAM Act beneficiaries are going to help meet our nation's future need for individuals who are highly qualified and are interested in joining the armed forces, because this population is highly propensed to serve.

I want to mention not only the fact that the DREAM Act creates a strong incentive for military service, but that past DOD studies have shown that this particular population comes from a demographic group that is already heavily predisposed to military service.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

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 U.S. armed forces, compared to 24 percent of white men and 10 percent of white women.

**DURBIN:** Colonel Stock, I'm sorry, we have a vote in just a few moments, and I want to make sure we can wrap up this committee hearing. So if you could conclude, I would appreciate it.

**STOCK:** Absolutely.

As mentioned above, I'm a member of the Retired Reserve of the U.S. Army Reserve, and I served in the U.S. Army Reserve for 28 years. During that time I learned of many undocumented immigrants who wanted to serve America by joining the all-volunteer force.

I often had the unpleasant task of explaining to these eager, patriotic and energetic young people that they were barred from enlisting because of their lack of legal status.

I also talked to many military members who were trying to get promising young people to enlist. They would approach me, and I'd have to give them the same bad news.

And over and over again I'd hear the comment, "Ma'am, this makes no sense. All they want to do is serve the United States. Why don't we let them?"

In my written testimony I've given you anecdotes from several of our junior ROTC instructors who are in public schools in America that have large numbers of undocumented people in them. These anecdotes illustrate the propensity of these young people to serve America and the propensity of these young people to perform well through military service.

It makes little sense to deport these American-educated youth. It's expensive to locate, arrest, imprison and deport them. The **DREAM Act** would help to fix our dysfunctional immigration system. It's good for our national security and it's good for our economy.

**Pass** the **DREAM Act** and let these promising young people serve America.

Thank you.

**DURBIN:** Thank you, Colonel Stock.

Dr. Camarota is the director of research for the Center for Immigration Studies, holds a Ph.D. from the University of Virginia in public policy analysis and a master's degree in political science from the University of Pennsylvania.

Dr. Camarota, thanks for being here today. The floor is yours.

**CAMAROTA:** I would like to thank the committee for inviting me to speak here today.

The recently introduced, or reintroduced **DREAM Act**, attempts to deal with one of the more vexing issues in immigration. The **act** offers permanent legal status to illegal immigrants, up to age 35, who arrived in the United States before age 16.

These individuals are one of the most compelling groups of illegal immigrants, because, in almost every case, their parents are to blame for their situation, **not** them.

However, as currently written, the law has a number of significant problems. In my oral testimony, I will highlight four main problems, and I'll suggest possible solutions.

My written testimony has a more extensive list.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

First, there is the issue of cost. The DREAM Act requires two years of college, but no degree is necessary. Given the low income of illegal immigrants, most can be expected to attend state- and county- supported colleges.

Not including illegal immigrants already enrolled, the cost to taxpayers in tuition subsidies for these state-supported schools for the roughly 1 million students we think will attend is about \$12 billion for the state schools and the community colleges.

In addition to the cost to taxpayers, there is the related issue of the crowding out of U.S. citizens and legal immigrants in these public institutions that are already reeling from budget cuts at the state and local level.

It is important to remember that the illegal immigrant population is concentrated in only about a dozen states, and enrollment slots are not unlimited in those states. There's a limit to how many people can attend, at least in the short term.

Now, advocates of the DREAM Act argue that it will significantly increase tax revenue because once they have a college education, recipients will earn more and pay more in taxes.

Whether that's true or not, it's important to understand that any hoped-for tax benefit will come only in the long term and will not help public institutions deal with these large influx of students the act creates in a relatively short period of time.

Further, Census Bureau data shows that the income gained for having some college, but no degree of any kind are quite modest, so the resulting income gains in tax revenue will be small, at least as currently written.

Now, one way to deal with this situation is for Congress simply to provide additional funds to state universities and community colleges.

If the idea behind the DREAM Act has merit, which I think it does, then acknowledging these costs and being honest with the public and including these costs in the law is clearly necessary.

Now a second major issue with the bill is that any legalization for illegal immigrants unavoidably encourages more illegal immigration. We've seen that in the past, and that's always an issue.

Now, the best remedy would be to include some important enforcement mechanisms in the law, such as full implementation of the US-VISIT program, which tracks the arrival and departure of visitors to our country.

Also including mandatory E-Verify, which verifies the legal status of workers would make sense.

A more rapid implementation of the Secure Communities programs and adding funding for the 287(g) program. Secure Communities and 287(g), as you all know, deal with criminal aliens.

If we take these simple steps, we can help discourage future illegal immigration.

Now a third issue with the act is that it is an invitation to fraud in many ways. First off, the confidentiality means that if somebody commits fraud, the bureaucracy is in kind of a box, because they can't use the information that they learned in the application process against that individual, as I read the act.

Also, the act does not have a clear list of documents that will be acceptable for identification. This happened also in 1986, in the IRKA amnesty.

Most estimates show that about 700,000 illegal immigrants who were not qualified for that legalization got legalization because at the time the bureaucracy was overwhelmed, as it is now, there was no clear list of documents, it couldn't do all the investigation.

We are setting ourselves up for a repeat of that situation.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

The most obvious way to fix this problem is to give the immigration bureaucracy a lot more money, let it hire the staff and train up, so it can process all these applications.

Also, change the fraud situation. If somebody provides fraudulent information, you have to be able to use the information in the application against that person.

You can go to the address, for example, that they might give you.

Now, the fourth problem -- and I'll just touch on it -- with the **DREAM Act** is that a person convicted of two serious misdemeanors could still qualify.

Now, we've heard a lot of talk about this, and we know that some misdemeanors are pretty serious. There's a very simple solution. Just put in the law that people convicted of drunk driving or a sexual offense or a violent offense, even if it's a misdemeanor, are ineligible.

It's a pretty obvious and quick thing to do, and I think it would ensure the -- or reassure the public.

In conclusion, while illegal immigrants raised in the United States do **not** have a right to stay in our country, they certainly have a claim on our conscience. We should **act** on that claim, but we should do so in a manner that limits unintended consequences.

Thank you.

**DURBIN:** Thank you, Dr. Camarota.

In 2007 when I was bringing the **DREAM Act** up, you were interviewed by CSPAN. And you said something a little different than your testimony today.

You said, "Children pay the penalty for their parents' misdeeds. If a parent doesn't pay the mortgage and the house gets foreclosed, sometimes the children suffer. We incarcerate hundreds of thousands of parents each year, and deprive those children of their parents."

Then, when I brought several DREAMers (ph) to a press conference which I had, you also said, "U.S. congressmen should **not** be harboring and giving a podium to people who knowingly and willfully violate our laws. I hope they wouldn't do it with tax cheats. I hope they wouldn't do it with robbers. And I hope they wouldn't do it with illegal aliens."

You've given a much more moderate statement today. Have you had a change of heart?

**CAMAROTA:** Well, I certainly agree with the second part, completely. I don't think that you should give a podium to people who are in our country illegally, just like I don't think that you should give a podium to anyone who's currently and admittedly violating our law.

Now, that's my opinion. You're the senator. You will ultimately make that determination.

On the question of whether children pay the penalty for their parents' misdeeds, is undoubtedly true, both philosophically and just as a matter of fact.

Bad parents abuse their children. Bad parents do all kinds of things. In this case, it's a bad **act** of the parent that is causing injury to the child.

But I never said that I was completely opposed to the idea of the **DREAM Act**. I'm still **not** completely opposed.

**DURBIN:** So when you talk about educational costs, we talked about that earlier, and it appears that there's some people who disagree with you.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

The secretary of education, as well as the Associations of Colleges and Universities, and a long, long list of schools, who don't believe the **DREAM Act** would be a burden, but rather an opportunity.

I might also add that among those hundreds who are here today are many who are going to school right now, paying out of their own pockets to go to school. So to think that this is a possibility -- a possibility of 50,000 new students arriving on the scene -- many of them are already making extraordinary sacrifices to go to school. They're enrolled currently.

So how do you respond to that?

**CAMAROTA:** Yeah, I think you misunderstood me. The CBO estimate, as I understand it, delves (sic) with the federal budget. And we could talk about that, whether it's right or wrong.

But we're talking here about costs at the state and local level only. And so most people, the average subsidy for a state school is like \$12,000, for a community college, it's a few thousand.

I assume in my research that about 80 percent of **DREAM Act** recipients would go to community college, which is a lot cheaper. Now, if they go to a state school, it will be a lot more, but I don't think that's what's gonna happen.

On the question of whether it's a burden because there's already people here, we think that about 60,000 students currently attend in-state school at in-state prices who are here illegally, based on some research.

Your bill is looking to add about a million people to that system, 500,000 of whom, given their age and soon graduation or -- or have already graduated, about half-a-million -- I said 500,000 -- will be enrolling in a very short time.

That's why I would urge you to provide the billions of dollars necessary for these schools to take in those kids.

**DURBIN:** So you disagree with the conclusion that of the secretary of education that ultimately America will be a stronger nation, once these students have graduated from school and are taxpaying citizens, providing assistance for their children and for other families.

Do you disagree with that conclusion?

**CAMAROTA:** Well, let's be clear. The law only provides two years of college. The income gains for two years of college is **not** very great, if you don't get any degree.

So maybe if you wanted to ensure you could have it so that it gets a degree. And I cite the research on how much income gains you get.

But the bigger question is, if you hope that this will be an -- a tax gain for the taxpayer, let's assume that this is a good deal for taxpayers. That is in the long run.

You're still looking at adding hundreds of thousands of new students who are currently **not** enrolled to, say, our community college system, in only about 12 states.

So if you think it's going to be a benefit in the long run -- and that's a fascinating and interesting discussion we could have -- but if you think that's the case, provide some money to these schools so there isn't this crush, given the limited resources.

**DURBIN:** It sounds very rational and logical, but for one important fact: Even the state of Texas has decided that these students will be given in-state tuition. They've decided these students are worth keeping in Texas.

We think they're worth keeping in America. And so every state should be offering at least an opportunity for them.

So this notion that somehow these are just a drain on the system, I just -- I don't buy your premise on that.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

One last point: Colonel Stock, I want to get back to the point that Dr. Camarota raised again. I think the ultimate test of these students is going to be the question of good moral character. And whether or not we specify which misdemeanors are acceptable, which are not, it comes down to that final, as Secretary Napolitano said, evaluation of their total life experience as to whether or not they ultimately will have a chance.

Do you see this the same way, that this is the last stop and the most important, comprehensive look at their lives?

**STOCK:** I don't see it the same way as Dr. Camarota, Senator Durbin, because I have a background in immigration law, and I know what good moral character means. And I know that you've put that in the law and you have not provided the opportunity for the secretary to waive that requirement.

She is not -- she has no ability to waive that.

I believe that some people may be unfamiliar with Immigration and Nationality Act Section 101(f), which provides a statutory bar to showing good moral character for certain offenses, and there's a laundry list of those offenses.

Any person who has committed any violation of the law that would bar good moral character under 101(f) would be barred from applying for DREAM Act benefits.

So this business of, well, we have to name the specific, you know, offenses, I think the Immigration and Nationalities Act provides an answer to that, which is simply that this good moral character requirement is a nice neat way to encapsulate a whole bunch of offenses, including every single one that Senator Cornyn mentioned earlier before he had to leave the hearing.

So I think this is a red herring that's distracting us from the actual necessity to solve our nation's problem here, which is this colossal waste of educated person power that's going on here.

**DURBIN:** Thank you.

Senator Franken?

**FRANKEN:** Well, since Senator Blumenthal wasn't able to ask the questions of the first panel and since he -- I'd like to give him the opportunity to speak and to ask questions.

**BLUMENTHAL:** I really appreciate that, Senator Franken. And I will take the full time. I just want to thank Senator Durbin for his very passionate and persevering commitment to this cause. As a new United States senator, I want to join him in his strong advocacy for this measure.

We've just given a face to it in Connecticut with a young man named Mariano Cordozo (ph) who was brought to this country when he was 22 months old, just graduated from community college. He is 23 now. And he's going to be a civil engineer in Connecticut.

He has had the courage to become a face and a voice for this measure. And it takes real courage to do it. And I want to thank whoever is here today to join us, because many of them across the country I think have been the most effective advocates for this cause.

When people see the young people who are actually involved, they really put aside all of the -- excuse me, all of the somewhat more abstract points in favor, some against, because they are such an enormous potential asset to this country, as Senator Durbin and Senator Franken have expressed so powerfully in what they've said so far.

So I just want to join the advocates who are here today in this cause, and say to the folks who have come to testify and to be here today, thank you for enlightening us further. And I know we have a vote, so I'm going to defer to Senator Franken, if I may, Mr. Chairman.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

**FRANKEN:** Thank you, Senator. And I identify myself with all of your -- I associate myself with all your remarks.

Let me ask you, Ms. Kaso, I think you're very brave to be here. And I thank you for being here. Let me ask you a question, did you make the decision to come to the United States? Was it you?

**KASO:** I did not. No.

**FRANKEN:** OK. So what -- how old were you when you came to the United States?

**KASO:** I was 5 years old.

**FRANKEN:** OK. I was 4 when I came to Minnesota. I consider myself a Minnesotan. But I had a year on you there, so. But you consider yourself an American, right?

**KASO:** Yes.

**FRANKEN:** OK. Great. Now tell me again what you want to do for a living? It sounded like you wanted to be a doctor?

**KASO:** A surgical oncologist. I want to remove cancer tumors.

**FRANKEN:** OK. And you want to be able to help people who can't afford health care?

**KASO:** That is correct, yes.

**FRANKEN:** OK. Well, hopefully we'll have taken care of that too.

Thank you for being here. You're -- thanks for being here.

**KASO:** Thank you for the opportunity.

**FRANKEN:** Yes.

Lieutenant Colonel Stock, let me just ask you this. I talked about doing USO tours before. During like 2005-2006, you talked about, in your testimony, how right now we have -- we're able to -- you know, recruiting -- OK, I guess I've got to go to vote. But what I'm going to do is ask a question and then I'm going to leave.

(LAUGHTER)

**FRANKEN:** And you're going to answer it while I...

**STOCK:** Can I also answer your question about undocumented immigrants while you leave, too?

**FRANKEN:** Yes, sure. Ask -- say anything you want after I leave.

(LAUGHTER)

**FRANKEN:** OK. And I'll hear it later.

But what I know is, is that in 2005 and 2006 especially, we weren't meeting our recruiting level -- recruiting numbers, and we had moral waivers, right? And we had cognitive waivers. And we really needed to be able to recruit -- it would have been great to have these -- this group of people to recruit, wouldn't it?

**STOCK:** It would have absolutely been great. We wouldn't have had to give morals waivers to some of the people who came into the service and later engaged in misbehavior. And I would like to address the question regarding undocumented immigrants.

## SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

I read occasionally that there are lots of these undocumented immigrants allegedly in the military, but in fact that is not the case. I know this because I work with the American Immigration Lawyers Military Assistance Program. And the few undocumented immigrants who serve in the military come forward to that program often seeking help.

And I can tell you, Senator Durbin, the outcome for these people is not rosy. Occasionally some of them are able to get United States citizenship through their military service. But in other cases the outcome is not a pretty one.

And I'll just offer the example of a young man who was DREAM Act eligible -- or would have been if the DREAM Act had been passed. He tried to join the U.S. Marine Corps a few months ago. He was processed by an unscrupulous recruiter, and brought into the Marine Corps whereupon the Marine Corps turned him over to Immigration and Customs Enforcement and had him deported to Mexico when he reported for basic training.

So this idea that there are lots of undocumented immigrants in the military is -- it's a misguided myth. The few that we've found in the military are people who have come in through the use of bad documents or by mistake. And most of them would be ineligible under the strict "good moral character" requirement that you have in the current version of the DREAM Act.

They wouldn't be eligible to get status through the DREAM Act.

**DURBIN:** Thank you. As you can see, I've been abandoned by my colleagues who are off to vote, and which I have to do myself in just a few moments. But in conclusion, thank you to Dr. Camarota, Lieutenant Colonel Stock.

And, Ola, how is your last name pronounced?

**KASO:** "Kah-so."

**DURBIN:** "Kah-so." So we all have got it wrong. Ola Kaso, thank you so much for your great story, compelling story that you gave us.

I'm going to ask unanimous consent, and since there's no one here to object, I'm going to get it, to enter into the record 141 statements of support for the DREAM Act. I'll put it here. And I mentioned earlier the wide array of organizations that support this.

I'm discouraged that after 10 years this law has not passed, but I'm not so discouraged as to give up the effort. I believe in all of you, and I want you to believe in this country. Sometimes it takes us a long time to get to the right conclusion and to reach fairness and justice. But we do get there.

And those of you who are waiting patiently with your lives on hold and with real uncertainty, know I hope from some of the statements made by my colleagues today the deep feelings we have that this is a cause of justice, and one that we are going to continue to pursue. Our day will come. This DREAM will come true.

This subcommittee stands adjourned.

END

## Classification

---

**Language:** ENGLISH

**Subject:** US REPUBLICAN PARTY (90%); IMMIGRATION (90%); REFUGEES (90%); US DEMOCRATIC PARTY (90%); NATIONAL SECURITY (89%); TERRITORIAL & NATIONAL BORDERS (89%); BORDER CONTROL (89%); LEGISLATION (89%); IMMIGRATION LAW (89%); GOVERNMENT ADVISORS & MINISTERS (89%); EDUCATION DEPARTMENTS (65%); RESEARCH INSTITUTES (61%)



SEN. CHARLES E. SCHUMER HOLDS A HEARING ON THE DREAM ACT

**Person:** JEFF SESSIONS (92%); CHARLES SCHUMER (91%); RICHARD BLUMENTHAL (91%); CHUCK GRASSLEY (91%); RICHARD DURBIN (91%); AL FRANKEN (89%); PATRICK LEAHY (89%); DIANNE FEINSTEIN (89%); JANET NAPOLITANO (79%); JON KYL (73%); ORRIN HATCH (73%); JOHN CORNYN (73%); ARNE DUNCAN (50%)

**Geographic:** IOWA, USA (92%); TEXAS, USA (92%); DISTRICT OF COLUMBIA, USA (79%); UNITED STATES (92%)

**Load-Date:** June 28, 2011

---

End of Document