

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 18, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, Senators should expect a series of up to three or four rollcall votes beginning at 10:30 this morning or thereabouts. The first vote will be on cloture with respect to the DREAM Act. If cloture is not invoked on the DREAM Act, the Senate will proceed to a cloture vote with respect to the don't ask, don't tell repeal.

Following the cloture votes, the Senate will proceed to vote on two confirmations: Albert Diaz, of North Carolina, to be a U.S. circuit judge, and Ellen Hollander from Maryland to be a U.S. district judge.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER OF PROCEDURE

Mr. REID. Could the Chair advise me how long was taken in this last quorum call.

The ACTING PRESIDENT pro tempore. Seven minutes.

Mr. REID. I ask unanimous consent that the time for debate continue to be 45 minutes on each side, with the time to begin as outlined in the previous order, but the time that I took speak-

ing to whom I had to speak not count against the 90 minutes.

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

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent to resume legislative session.

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

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that prior to any of the succeeding votes, there be 2 minutes of debate, equally divided and controlled in the usual form; further, that after the first vote, the succeeding votes be limited to 10 minutes.

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate is now in a period of morning business, with Senators permitted to speak for a period of up to 10 minutes each.

The Senator from Alabama.

ORDER OF PROCEDURE

Mr. SESSIONS. Mr. President, under the previous discussion we had, I had been authorized to use 15 of our 45 minutes, and I would ask unanimous consent that I be allowed to speak for 15 minutes.

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

Mr. SESSIONS. I assume this will be counted against our time.

THE DREAM ACT

Mr. SESSIONS. Mr. President, essential to America's greatness, I truly believe, is our respect for the rule of law. The American people understand this. For years, they have asked Congress and the President to secure the borders and to enforce our immigration laws, but for years Congress has refused to do that. Indeed, as part of this legislative session, there has been no serious movement to do anything that would improve the grievous situation of illegality at our borders. So what we have is contrary to that today, when we will be dealing with the DREAM Act. Leaders in Washington have not only tolerated lawlessness but, in fact, our policies have encouraged it. Americans living near the border are the ones who often pay the steepest price. Illegal drugs, guns, people pour into States such as Arizona and Texas every day. Phoenix has turned into the kidnapping capital of the world. Ranchers in

the southern part of the State are forced to accept chaos as a part of their daily lives. Smugglers, traffickers stream across their properties, homes are broken into, livestock killed, families placed in danger. Our government has failed in its duty to protect these citizens in the peaceful possession of their property.

Consider the fate of Robert Krentz, the son of one of Arizona's oldest ranching families working land that had been in the family 100 years. His home had been robbed, their livestock slaughtered. On the night of March 27, he went to mend a fence and check his water line. He reached his brother on the radio to say he was helping someone he believed to be illegally entering the country—helping them—and that was the last time anyone heard from Mr. Krentz. He was found several hours later, shot dead.

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

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

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

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

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

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

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

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

For 2 years, Democratic leaders have ignored the public. They have rammed

through a lot of unpopular legislation, and sometimes—and too often—the process has been skirted, and it has not been healthy for the Republic, which is one reason people have not been happy with it.

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

Proponents of the DREAM Act are sincere, and they insist this is a limited bill for young children of illegal immigrants who graduate from high school, get a college degree, and join the military. But the facts of the legislation are different. The DREAM Act would grant legislation to millions of illegal aliens, regardless of whether they go to or finish college or high school or serve in the military. It is certainly not limited to children. It would apply to people here illegally who are as old as 30. Because the bill has no cap or sunset, they will remain eligible at any future time.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SESSIONS. Mr. President, we have it within our power to fix the broken immigration system. Last year, approximately 600,000 people were arrested entering our country illegally. That is lower than it has been, but a determined leadership from the President, from the Congress, can, within a matter of 1 or 2 years, end this prob-

lem, and then we can begin to wrestle with the difficult question of those who have been in our country for some time.

I thank the Chair and yield the floor.

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

ORDER OF PROCEDURE

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

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

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

The ACTING PRESIDENT pro tempore. Without objection—

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

Mr. LEVIN. I so amend my request.

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

The Senator from Oregon is recognized.

HEALTH CARE

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

DON'T ASK, DON'T TELL

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

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

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

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

As a member of the Senate Intelligence Committee, let me tell you