eligible to apply become permanent residents. Section 8(c) allows persons to apply for adjustment to permanent residence one year before the 10 year period of conditional nonimmigrant status expires so U.S. Citizenship and Immigration Service has plenty of opportunity to carefully review applications to determine that only those who meet the stringent requirements of the Act are approved.

MISLEADING CLAIM: The DREAM Act allows individuals to remain in nonimmigrant status indefinitely.

FACT: Conditional nonimmigrant status is not indefinite. It can only be granted for two 5 year periods according to section 7(a) and 7(d) of the bill. At the end of the second 5 year period, individuals can apply for adjustment to permanent residence status. There are no extensions of conditional nonimmigrant status for individuals who do not apply to become permanent residents at the end of the second 5 year extension. Let's be clear: Individuals who do not apply for adjustment by the end of the second 5 year period will no longer have legal status in the U.S.

Immigration law generally requires an individual to file an application to obtain legal status. The DREAM Act requires three such filings: the first is for the initial 5 year grant of conditional nonimmigrant status; the second is for another 5 year extension of conditional nonimmigrant status, and the last is for adjustment of status to permanent residence, starting no earlier than 9 years after the initial grant of conditional nonimmigrant status.

MISLEADING CLAIM: The DREAM Act does not require that an illegal alien complete military service as a condition for amnesty, and there is already a legal process in place for illegal aliens to obtain U.S. citizenship through military service.

FACT: The DREAM Act has been strongly embraced by the military as an important element in furthering our nation's readiness. The DREAM Act is part of the Department of Defense's 2010–2012 Strategic Plan to assist the military in its recruiting efforts. The DREAM Act streamlines and simplifies the process by which aliens who wish to serve in the Armed Forces may gain permanent status in the United States.

MISLEADING CLAIM: Current illegal aliens will get Federal student loans, Federal work study programs, and other forms of Federal financial aid.

FACT: DREAM applicants are expressly prohibited from obtaining Pell grants, Federal supplemental educational opportunity grants and other federal grants. DREAM Act beneficiaries would, like all students, be required to pay back any loans they have incurred.

Mr. DURBIN. Let me also say I join my colleague from Alabama in sadness over the loss of a life of a border guard. It is a terrible thing. These men and women are serving our country, and it is a tragedy. But can we blame these young people sitting in the galleries and across America for that, to question the border security? I am for border security.

In July, Senator SCHUMER came to the floor with Senator MCCAIN and added $600 million more to border security without any objection from either side of the aisle. Oh, I suppose if we were playing this game of negotiating, we could have stood and said: No; no more money for border security until we get the DREAM Act. We didn't do it because we are as dedicated to border security as anyone, and we want to make sure people have the opportunity to vote for border security and to also vote for the DREAM Act.

Let me ask, at this point, how much time is remaining.

The ACTING PRESIDENT pro tempore. There is 5 minutes.

Mr. DURBIN. Five minutes. Thank you.

I wish to say a few things about the people who are involved in this. They are faceless and nameless until we bring them to the floor. This is Benita Veliz. Benita Veliz has an amazing story which I wish to share with my colleagues. Benita was brought to the United States by her parents in 1993, when she was 8 years old. She graduated valedictorian of her class, received a full scholarship to St. Mary's University in Texas, majoring in biology and sociology. Her honors thesis was on the DREAM Act. She sent me a copy of it.

What she has asked for, basically, she says in these words: I was called to a Cinco de Mayo community celebration and asked to sing the national anthems of the United States and Mexico. I couldn't do it. I only knew the words for the American national anthem. I am an American. I want to live my dream. Benita Veliz.

Meet this young man, another who would benefit from the DREAM Act. His name is Minchul Suk. This is an amazing story as well. Brought to the United States from South Korea at the age of 9, graduated from high school with a 4.2 GPA, graduated from UCLA with a degree in microbiology, immunology, and molecular genetics. With the help of the community, they raised enough money for him to finish dental school. He has taken his boards, but he cannot become a dentist in America because he is undocumented. Do we need more dentists in America? Yes, we do, and we need a man of his quality to serve our Nation.

I want you to meet this young man too. His name is David Cho. David is a man you might have seen on television. It is kind of an amazing story. David was brought to the United States at the age of 9, graduated with a 3.9 GPA in high school. He is now a senior at UCLA and the leader of the marching band. He wants to serve in the U.S. Air Force. I say to my friends who stand on the floor and protest their true belief that the military means so much to us as Americans, why would you deny these young people a chance to serve in the military? That is all I am asking.

The last story I wish to tell is about a young man from New York: Cesar Vargas. He has an amazing story. He was brought to this country at a very young age and when 9/11 occurred, he was so mad at those who attacked America he went down to the Marine Corps and said: I want to sign up, and they said: You can't; you are undocumented. So he continued on and is attending the New York University Law School now. He speaks five languages. He has had offers from the biggest law firms, for a lot of money. He turned them down. His dream, under the DREAM Act, is to enlist in the Marine Corps and serve in the Judge Advocate General Corps.

These are the faces of the DREAM Act, and the people who stand before us and try to characterize this as something else don't acknowledge the obvious. These are young men and women who can make America a better place.

I understand this is a difficult vote. It is a difficult vote for many. As a matter of fact, I am not asking for just a vote for the DREAM Act today. From some of my colleagues I am asking for much more. I am asking for what is, in effect, an act of political courage. Many of my colleagues have told me they are lying awake at night tossing and turning over this vote because you know how hard it is going to be politically; that some people will try to use it against you. But I would say, if you can summon the courage to vote for the DREAM Act today, you will join ranks with Senators before you who have come to the floor of this Senate and made history with their courage; who stood and said the cause of justice is worth the political risk. I am prepared to stand, they said, and vote for civil rights for African Americans, civil rights for women, civil rights for the disabled in America. I am prepared to go back home and face whatever comes.

Most of them have survived quite well because of their genuineness, their conviction and their strength and the fact that their courage is recognized and respected, even if someone disagrees with part of their vote. That is what we face today. We face the same challenge today. I hope my colleagues on both sides of the aisle will summon the courage to vote for justice. We don't get many chances. When it comes to justice for these young people of the DREAM Act or justice for those of different sexual orientation to serve in the military, this is our moment in history to show our courage.

I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, we will soon be voting on two consequential and contentious matters, the DREAM Act and repeal of the legislation concerning the Defense Department's don't ask, don't tell policy. As our ranking member on one of the two committees of jurisdiction recently made clear, the Democratic majority in the Senate is again depriving the American people of the right to have their concerns addressed through debate on amendments by depriving the minority of its right to offer amendments.

When Democrats were in the minority, my good friend, the majority leader, said: This is a ''very bad practice,''

and it ''runs against the basic nature of the Senate.'' In fact, he suggested we should not shut off debate ''before any amendments had been offered.''

With back-to-back blockage of amendments on both the DREAM Act and legislation repealing don't ask, don't tell, the current majority has set a dubious record by denying the minority its right to amendment a total of 43 times. Let me say that again. The current majority has set a dubious record by denying the minority its right to offer amendments a total of 43 times.

To put that in perspective, in his 4 years as the majority leader, Senator Frist did this 15 times. The current Senate majority in the same amount of time has done it three times—three times—as often. In fact, the current majority has blocked the minority from offering amendments more often than the last six majority leaders combined. The current majority has blocked the minority from offering amendments more often than the last six majority leaders combined.

The danger of following this practice is underscored by the flawed process used on the very measures before us now. The DREAM Act the Senate will vote on today has never had a Senate hearing. In fact, it has not had any Senate committee action in 7 years. But, of course, this is a House bill, and the legislative record there is more sparse still. The House, similar to the Senate, has never had a legislative hearing on the DREAM Act, and it has never had a markup there either. Now the Senate majority is preventing their colleagues from addressing the concerns of the American people by shutting off the ability to offer any amendments on the floor.

So, in sum, there has never been an amendment offered to the DREAM Act at either the committee or floor stage in either House of Congress since President Bush's first term.

I guess our Democratic colleagues believe this bill is so perfect it doesn't need any amendments whatsoever—just a few last-minute rewrites during a lameduck session. I don't think that is what the American people believe.

In regard to the ill-conceived effort to repeal the military policy on don't ask, don't tell, the majority leader has insisted on pressing forward with this effort, despite the fact that the ranking member of the Armed Services Committee has established the need for additional hearings. The All-Volunteer Force has had many successes, but has this body become so alienated from the enlisted men and women in uniform that liberal interest groups have more influence over military personnel policy than the senior enlisted leaders of the Army and Marine Corps who were denied the opportunity to testify?

This repeal will be rushed through, despite the fact that it is concerning to those in Army combat arms units, and 58 percent of those in Marine Corps combat units believe repeal will be harmful to unit readiness. Should we ignore the volunteers charged with the most difficult missions in our military, combat with the enemy? I think not.

Democrats will deny the opportunity to amend the bill to require the service chiefs to certify that this repeal will not harm combat readiness, although they are responsible for training the force. Why would anyone oppose this change or even the opportunity to vote on this change?

This is harmful during a time of war and an irresponsible manner in which to change policies that the Commandant of the Marine Corps has actually stated could risk lives.

I am going to recommend to my colleagues to heed the advice of my friend from Nevada, which he gave a few years ago, and not vote to shut down the debate and amendment process for these bills, at least until the minority is allowed to offer, debate, and vote on a limited number of amendments, and the Senate is allowed to be the Senate once again.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I will use leader time.

I say to the people in the Senate and the American public, to hear my friend, the distinguished Republican leader, talk about our having done things procedurally brings a big yawn to the American people. Everyone knows how we have been stymied, stopped, and stunned by the procedural roadblocks of this Republican minority. So we are where we are today. No. 1, we are nearing the end of this congressional session. There is a continuing resolution that has been prepared by Senator INOUYE and Senator COCHRAN. It has some things I don't like, but it has been done because we have to do this, and we will finish that in the immediate future.

I am going to speak just briefly on don't ask, don't tell. But to suggest there haven't been adequate hearings on this is simply nonsensical. Senator LEVIN has held 2 days of hearings in the last 30 days. There have been hearings held, reports done by the military. My Republican friends have said: Well, this is something we probably should do, but why don't we have a study by the military and see what the Pentagon thinks. They did that. More than 70 percent of people who have served in the Armed Forces believe it doesn't matter at all.

This is exemplified in a story that appears in the Las Vegas Sun newspaper today, and I will just read two paragraphs from the story:

> The Pentagon's report is done, and it concluded that repealing the law would do little to affect troop readiness. In fact, most of the troops interviewed for the report indicated they didn't think it would be a problem. The majority of them said they had served with someone who they believed to be gay or lesbian and it didn't bother them or affect their units' effectiveness.

Mr. President, listen to this. For example, the report quotes a special operations soldier, who said, ''We have a gay guy in the unit. He's big, he's mean, and he kills lots of bad guys. No one cares that he's gay.'' That says it all. As Barry Goldwater said, you don't have to be straight to shoot straight.

Mr. President, the DREAM Act. I first must say to everybody within the sound of my voice that I came to Washington in 1982 to serve in the House of Representatives. One of the people who came in that large Democratic class we had was Dick Durbin from Illinois. I have gotten to know him extremely well. He is very good. We all know he has the ability to express himself extremely well. I have known him for all these 28 years. We have worked very closely together. He is now the assistant leader of the Senate. I have never known him to feel so strongly about an issue as he does this DREAM Act. He worked on it for more than a decade. He has shed tears while talking to me about some of the people with whom he visits. We saw the emotion he felt here today. I so admire and appreciate him for the work he has done.

I am committed to passing the DREAM Act. As we work toward a comprehensive approach to reform our country's broken immigration policy, one thing we can do now is ensure that the next generation can contribute to our economy and to our society.

The DREAM Act applies to a very specific group of talented, motivated young people who already call America home. This is their home. It applies only to those who came here at age 15 or younger and have been here at least 5 years. Even then, in order to have a chance at permanent legal residency, they would have to graduate from high school, pass strict criminal background checks, and attend college or serve in the military for at least 2 years.

I have said on this floor before—but I will repeat it—when I first became aware of the problem we had in our country, I was in Smith Valley, NV, an agricultural community in the northeastern part of our State. I was a relatively new Senator. They had gotten all the students there in a very small high school together. I made a presentation to them. When I finished, I could tell there was a girl who wanted to talk to me. She was there; I could see her and feel her presence. I knew she was embarrassed to talk to me, so I said, ''Do you want to talk to me?'' And she said, ''Yes.'' She alone said to me:

> Senator, I am the smartest kid in my class. I have the best grades. But I can't go to college. My parents came here illegally. What am I supposed to do with my life?

At that time, I didn't know that this brilliant, young, beautiful woman of Hispanic origin could not go to college, but she could not. That is what this is all about. I don't know where that young woman is now, whether she has completed college or whether she working in the onion and garlic farms up there—I just don't know. I have thought about that many times.

When we jeopardize our education, we jeopardize our economy. The Congressional Budget Office found that letting these men and women contribute to our society will reduce the deficit by more than $1 billion. A UCLA study found that the DREAM Act would add as much as $3.5 trillion to our economy—that is trillion with a ''t.'' That comes from the University of California at Los Angeles. This bill is not only the right thing to do, it is also a very good investment.

The Defense Department also knows it is good for national security. The Pentagon has said it will help it meet the recruitment goals of our All-Volunteer Force. That is why our military made it part of its 2010 to 2012 strategic plan. That is in their plan, the Pentagon's plan.

Some Republicans are trying to demonize these young men and women, who love this country and want to contribute to it and fight for it. The real faces of the DREAM Act are the dreamers.

I was welcomed to Washington on Thursday. There was a beautiful child there with a graduation hat on, a four-cornered hat. She was a dreamer. She wants to be able to go to college. That is all she wants. And we have others who want to be able to join the military.

The real faces belong to people such as Astrid Silva, who wrote to me from Nevada to tell me this—and I have visited her on many occasions:

I am 22 and have never even stolen a piece of gum from a 7–11; yet, I feel as though my forehead says ''felon.''

Ricardo Cornejo wrote to me from Las Vegas to tell me that young men like him ''would love to fight and give our entire lives for our country.''

Opponents use the word ''amnesty,'' hoping to trick people into thinking this bill is something it is not. They are trying to play to people's worst fears.

One Senator said in the presence of one of these dreamers that he could not vote for it because that law said one didn't need to serve. All you need to do is sign up. I say to this U.S. Senator and anyone else suggesting such an absurdity: Read the bill. It takes 2 years of service in the military. It will be longer than 2 years because you have to sign up for more than 2 years. We certainly get our money's worth in that regard. The DREAM Act could not be further from amnesty. It is an opportunity that gives nothing for free and demands a great deal of those who earn legal residency. It is not granting citizenship immediately; it puts them on the pathway to citizenship. It gives nobody incentives to break the law but to contribute to our Nation and its economy.

When it passes—Mr. President, I hope it passes, as my friend Senator DURBIN said today, but it is going to pass—millions of children who grew up in America as Americans will be able to get the education they need to contribute to our economy. Many who have volunteered to defend our country will no longer have to fear being deported.

Democrats know this is good policy. Republicans know it too. That is why Senator ORRIN HATCH coauthored it 10 years ago, and that is why the Wall Street Journal's very conservative editorial board called it a worthy immigration bill within the last few weeks. The only question is whether we will let good policy inform our votes or let partisan politics get in the way of so many futures—not just of these children but our own.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CARDIN). Morning business is closed.

REMOVAL CLARIFICATION ACT OF 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 5281, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment No. 3 to H.R. 5281, an act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill.

Reid motion to concur in the amendment of the House to the amendment of the Senate No. 3 to the bill, with Reid amendment No. 4822 (to the House amendment to the Senate amendment No. 3), to change the enactment date.

Reid amendment No. 4823 (to amendment No. 4822), of a perfecting nature.

Reid motion to refer the message of the House on the bill to the Committee on the Judiciary, with instructions, Reid amendment No. 4824, to provide for a study.

Reid amendment No. 4825 (to (the instructions) amendment No. 4824), to change the enactment date.

Reid amendment No. 4826 (to amendment No. 4825), of a perfecting nature.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXIII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment No. 3 to H.R. 5281, the Removal Clarification Act [DREAM Act].

Joseph I. Lieberman, John D. Rockefeller, IV, Byron L. Dorgan, Sheldon Whitehouse, Jack Reed, Robert Menendez, Mark Begich, Benjamin L. Cardin, Bill Nelson, Michael F. Bennet, Amy Klobuchar, Patty Murray, Barbara A. Mikulski, Christopher J. Dodd, Richard J. Durbin, John F. Kerry

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendment to the Senate amendment to H.R. 5281, an act to amend title 28, United States Code, clarifying and improving certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. MANCHIN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from New Hampshire (Mr. GREGG), and the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted ''nay,'' and the Senator from Utah (Mr. HATCH) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—55

Akaka	Franken	Murkowski
Bayh	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bennett	Johnson	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

NAYS—41

Alexander	DeMint	McConnell
Barrasso	Ensign	Nelson (NE)
Baucus	Enzi	Pryor
Bond	Graham	Risch
Brown (MA)	Grassley	Roberts
Brownback	Hagan	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Tester
Cochran	Johanns	Thune
Collins	Kirk	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker
Crapo	McCain	

NOT VOTING—4

Bunning	Hatch
Gregg	Manchin

The PRESIDING OFFICER. Are there any other Senators in the Chamber who wish to vote or change their vote?

The Chair reminds the galleries that expressions of approval or disapproval are not permitted.

On this vote, the yeas are 55, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. KYL. Mr. President, I move to reconsider the vote.