

provision using a cash-based estimate, a more comprehensive scoring method reveals a potential \$6.2 billion loss to taxpayers. I raised this issue on the floor during the debate on the lending fund, but my opponents have simply ignored this concern. Certainly, this should have been taken into full consideration when evaluating the potential costs and benefits of the program and its effect on our increasing budget deficit.

Finally, I note that this past Tuesday, the Washington Post ran an article demonstrating that, while larger banks are generally associated with TARP, “. . . it's a collection of smaller banks that continued to plague the Treasury Department's bank bailout program.” In fact, the article cited that “the latest report from the agency shows that more than 120 institutions—nearly all of them small banks—have missed their scheduled quarterly dividend payments.” So I do not understand why the majority wants to create a new program for small banks that has the same characteristics of TARP, when many of those banks are already participating in TARP and have been delinquent on their payments.

So I am truly disappointed that we have arrived at this point. This bill could have been better. We could have considered amendments from the outset, and we could have moved on this bill months ago. I know that I have been calling for sensible legislation to help small businesses since January. Yet, regrettably, for the reasons I have discussed, I cannot support it.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mrs. HAGAN). The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant executive 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 H.R. 5297, the Small Business Lending Fund Act of 2010.

Mary L. Landrieu, Max Baucus, Dianne Feinstein, Patty Murray, Charles E. Schumer, Christopher J. Dodd, Al Franken, Robert P. Casey, Jr., Maria Cantwell, Sheldon Whitehouse, Byron L. Dorgan, Benjamin L. Cardin, Ron Wyden, Kent Conrad, Roland W. Burris, Jeff Merkley, Debbie Stabenow.

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

The question is, Is it the sense of the Senate that the debate on H.R. 5297, the Small Business Lending Fund Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The yeas and nays resulted—yeas 61, nays 38, as follows:

[Rollcall Vote No. 236 Leg.]

#### YEAS—61

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

#### NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

#### NOT VOTING—1

Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Postcloture time is yielded back.

The clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wanted to announce what the schedule will be in the next few days. I have been working with the Republican leader to try to make this as convenient for everyone and still cover as much as we can in the short period of time we have. The next vote, which will happen in a minute or two, will be the last vote this week.

On Monday, September 20, as has been previously announced, there will be no votes. The next rollcall vote will be at 2:15 on Tuesday, September 21, which will be cloture on the motion to proceed to the DOD authorization bill. I will have a conversation about that when this vote is completed as to how I propose to proceed to that matter.

I ask for the yeas and nays on the passage of the bill.

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 237 Leg.]

#### YEAS—61

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

#### NAYS—38

Alexander	Cornyn	Kyl
Barrasso	Crapo	Lugar
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brown (MA)	Enzi	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Wicker
Corker	Johanns	

#### NOT VOTING—1

Vitter

The bill (H.R. 5297), as amended, was passed.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I am shortly going to move to the Defense authorization bill. I hope we can avoid a cloture vote on it. But from what I have been able to determine, that will not be possible. I have had a number of conversations with Democratic Senators and Republican Senators. I have explained to them that if we are permitted to move to the bill, either by consent or cloture on the motion to proceed, there are a number of amendments that I think need to be considered on it initially. I have stated what those would be more than likely.

In my conversations with my Republican friends, they have indicated that they want, likely, more than just a motion to strike the don't ask, don't tell that is in the base of the bill. I said that is fine. The main thing I want—and I think it is fair in the waning

hours of this session before the election—is that we would have the text of whatever the amendment might be and also a time agreement because everybody is aware that someone could get on an amendment and talk forever. I am trying to be as reasonable as possible.

These decisions don't have to be made today, but I would like to do it before Tuesday because I am going to have to make decisions Tuesday on what we are going to do on this bill. The main thing I have explained to Democrats—and they know this—and I say to my Republican colleagues, the work we do on this bill prior to the election is not the end of this bill. This bill normally takes some time. We can't finish it in a week. I understand more work needs to be done. Senator LEVIN has things in the bill he would like to correct with an amendment or agreement. It is my understanding there is more that the minority doesn't like in this bill than just the don't ask, don't tell provision.

I understand, in addition to issues I have talked about in the last couple days, there are many other important matters that both sides of the aisle wish to address. I am willing to work with Republicans on a process that will permit the Senate to consider these matters and complete the bill as soon as possible, which likely will be after the recess.

#### CLOTURE MOTION

Mr. President, I move now to proceed to Calendar No. 414, S. 3454, the Defense authorization bill, and I have a cloture motion at the desk.

The PRESIDING OFFICER. The clerk will state the motion.

Mr. MCCAIN. Mr. President, I reserve the right to object, and I will object.

The PRESIDING OFFICER. There is no objection in order at this time. The cloture motion having been presented under rule XXII, the clerk will state the motion.

The assistant 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 proceed to Calendar No. 414, S. 3454, the National Defense Authorization Act for Fiscal Year 2011.

Harry Reid, Carl Levin, Tom Udall, Jack Reed, Barbara A. Mikulski, Jon Tester, Al Franken, Richard J. Durbin, Byron Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

Mr. REID. Mr. President, before I proceed with more procedural matters related to the motion I just made, I am anxious to hear from my friend, the ranking member of the committee. We are not trying to cut him off in expressing his views.

I ask unanimous consent that the mandatory quorum be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I also ask unanimous consent that the vote on the motion to invoke cloture occur at 2:15 p.m. Tuesday, September 21; that on that date, the Senate resume consideration of the motion to proceed following a period of morning business, with the time until 12:30 p.m. equally divided and controlled between Senators LEVIN and MCCAIN or their designees.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, if I understood the majority leader's words, in a rather unusual departure from anything I have ever seen in the Senate, if he receives sufficient votes to proceed to the bill, he would take up certain amendments that are on his agenda, and then, in lameduck session, we might consider other amendments.

Coincidentally, the amendments the majority leader would agree to would be two of them that are totally unrelated to national defense. One is the DREAM Act and the other is secret holds, as I understand it. Then other amendments of importance, which are relevant, which those of us on this side of the aisle have, which are important, maybe we would take them up, under certain circumstances, in a lameduck session.

Mr. REID. May I respond to my friend.

Mr. MCCAIN. Yes.

Mr. REID. I say to my friend from Arizona, I haven't decided for sure. We talked about some of the things I would do with our amendments. I have been very clear with every Republican Senator I have spoken to that, of course, the motion to strike, we would get to that as soon as we can. If Senators had other amendments related to the don't ask, don't tell provision, which has been somewhat controversial, and some people on the other side don't like that—if there are other amendments related to that, we would be happy to do that before we leave for the elections. Then we would have to see what else we can work out on this prior to going home for the elections. But recognize—and I think it is clear—that we are not going to be able to complete this bill before we go home.

Mr. MCCAIN. So, again, I say to the majority leader, you are going to ask Members on this side to proceed to the bill without us knowing what amendments you are going to allow and those amendments that may be considered in a lameduck session. It is well known that the DREAM Act is also one of the amendments the Senator from Nevada, the majority leader, has said will be part of the prelameduck session, which happens to be preelection, which happens not to have a thing to do with our Nation's defense. Other amendments that may be directly related to national defense will not be allowed by the majority leader, which is his right,

to fill up the tree, as he did last year after we spent a week on the hate crimes bill, which had nothing to do with our Nation's defense. I ask the majority leader to draw a conclusion or surmise that perhaps this has everything to do with elections and nothing to do with national defense.

Mr. REID. Mr. President, the Senator from Arizona has been in Congress the exact same period of time I have been here. We were in the House together, and we came to the Senate together. I am confident he knows the rules of the Senate. It has been very unusual in this Congress that we have had to file so many times a motion to proceed to get on a bill. This is a bill that relates to the defense of our country. On any piece of legislation, it seems like a strange Senate process when you have to know what amendments are going to be offered by both sides before you move to the bill. That is why we are here and why we are Senators, to deal with legislation. I thought I was going over and above what I needed to do by telling the Republican leader some of the amendments I thought we would deal with prior to the election.

With my friend continually saying that the DREAM Act has nothing to do with the defense of this country, we have hundreds of thousands of people of Hispanic origin who are serving in the U.S. military as we speak. The DREAM Act is very simple. It says if you have been in this country for 5 years and you came before age 16, you should be able to go to a State school. You get no Pell grant benefits whatsoever. If you have been in school for a couple years, you can get a green card, no citizenship, or if a young man or woman of Hispanic origin decides they want to join the U.S. military, they would have the right to do that, and after having served 2 years in the uniform of our country, they would be able to get a green card. That is all the DREAM Act does. I think it has a lot to do with the defense of this Nation. We need these young men and women to join our military. We want them to.

I also say that the reason I thought there was a concern about this legislation from the minority side was they didn't like the don't ask, don't tell provision. So I was trying to be as cooperative as possible and say amendments relating to that—let's do them. I talked to one Republican Senator, and even though I didn't agree with her amendment, I thought it was appropriate that she had the ability to offer that.

I am not trying to end all discussion on this bill. I hope we can finish it. As the Senator from Arizona knows, we are very limited in the time we have before the election, and because we came here together, we are both going to have an election on November 2.

I am going to have to excuse myself. I will be happy to respond to questions but I have a caucus that starts at 1 o'clock. If my colleague has some questions, I will be glad to respond; otherwise, I will have to excuse myself.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not take up the time of the majority leader—I have a statement I will present at this time—except to say again that this is a transparent attempt to win an election. That is what this is all about. Why would we want to put the DREAM Act first before the election? Why not after we come back? Why not take up the secret holds after we come back? And, of course, the don't ask, don't tell issue is one of significant importance to the American people.

Last year, after spending a week on hate crimes—which, again, had nothing to do with this Nation's defense—the majority leader, with the agreement of the committee chairman, filed cloture and cut off debate and discussion of amendments that many of us felt were important.

I have been around this body for a number of years. I have never seen such politicization of our Nation's security as we are seeing in this process we are following. This politicization that has taken place over the last 2 years is very unfortunate. For as long as I have been privileged to be a Member of this body, the Senate has done a good job of keeping the National Defense Authorization Act out of partisan political fights that have little or nothing to do with the U.S. military, the brave men and women serving in it, and our national defense programs more broadly. There has even been a healthy degree of bipartisan cooperation to prevent items that are unrelated to our national defense from crowding out time for debate and amendments germane to our national security priorities. Sure, we have had fights over this legislation in the past, and at times they have been pretty heated. But they were debates overwhelmingly focused on national defense. And whatever our differences we had through that process, we came together at the end of the day to keep this legislation focused on our national defense and all who ensure it.

What troubles me is how far off course we have gotten over the past 2 years. Under this majority leader and this chairman, we have witnessed the unfortunate and growing politicization of the National Defense Authorization Act. Time to offer and debate important defense-related amendments to this bill on the floor is being limited or cut off so that the majority leader can push through highly political legislation that has little or nothing to do with national defense—legislation that would never be referred to the Armed Services Committee if it were introduced independently.

The Hate Crimes Act would never have been referred to the Senate Armed Services Committee. The DREAM Act would never have been referred to the Senate Armed Services Committee.

This is turning legislation related to our national defense and military pre-

paredness into a vehicle to force a partisan agenda through the Senate, often on a party-line vote. And their desperation, because they see the November 2 elections coming up, is palpable. What is worse, the majority leader is pushing this controversial agenda under the cover of supporting our troops, knowing that the National Defense Authorization Act is a must-pass bill and whatever else is in it will inevitably become law as a result.

Last year it was legislation on hate crimes. I am not saying this is not an important issue or an issue that the Senate should not have taken up and debated in due time. But hate crimes legislation has nothing to do with our national defense. Of course, the majority and the committee chairman will always get creative on how to interpret "national defense." But the plain fact is, if hate crimes legislation were introduced independently, it would be referred to the Judiciary Committee, not the Armed Services Committee. Yet the majority leader and the committee chairman put that legislation onto the Defense Authorization Act last year, promptly eliminating the ability to offer amendments. Then the Senate spent a week locked in debate over legislation that had nothing to do with national defense—precious time that should have been spent discussing legislation that actually pertained to our military priorities.

Things are only getting worse this year. We learned on Monday that before we go home for this election cycle, there will be no debate at all on the Defense authorization bill, except for what we are told—the majority leader just said he has not decided—but we are told there will be no debate at all on the Defense authorization bill except for three amendments handpicked by the majority leader for narrow political reasons 2 months before an election.

One of those amendments will be on banning the use of so-called secret holds. Another will be, we are told, on the DREAM Act which allows the children of immigrants who entered the country illegally to become U.S. citizens.

Again, I am not saying the Senate should not consider these pieces of legislation, but neither of them would be taken up independently in the Armed Services Committee because they have nothing to do with national defense. The majority leader has no business putting these two amendments on the National Defense Authorization Act—and certainly not two of only three amendments that will even get voted on—at a time when our military is engaged in two wars overseas and when numerous defense issues demand the Senate's time.

That leads us to an amendment to strike the provision in the bill that would repeal the don't ask, don't tell law as the only other issue the Senate will be able to debate and vote on. Unlike the other issues I have mentioned,

a repeal of don't ask, don't tell, while controversial, is related to the National Defense Authorization Act. It is an issue that belongs in the Armed Services Committee. The problem is the truncated process and partisan manner in which the majority is forcing through a de facto repeal of a long-standing law that may have significant ramifications for our military force during a time of two wars, all to fulfill a campaign promise made by President Obama in 2008, barely 2 months before the election.

I want to make one thing very clear: I do not oppose or support the repeal of don't ask, don't tell at this time. I do oppose taking legislative action prior to the completion of a real and thorough review of the law. A complete survey to evaluate the impact of repeal on the men and women serving in our military should be concluded before moving forward. When the Senate does consider taking legislative action, that action should be based on the survey of our men and women in uniform, and their leaders.

Unfortunately and inexplicably, the majority is following an opposite approach. It is pushing for a vote on the don't ask, don't tell law before the Defense Department has concluded its survey of the opinions of our force on an important matter that will directly affect them and their families. The majority is doing this in complete disregard of the views of our men and women in uniform, as well as our four service chiefs—the heads of the Army, Navy, Air Force, and Marines—who are responsible for the battlefield effectiveness of their services. All four of the military leaders wrote letters encouraging Congress to wait until the completion of the survey of the force before taking any legislative action on don't ask, don't tell. Their opinions have been disregarded thus far, and it seems that the chairman and the majority leader do not care about their views either.

The majority will say this amendment does not actually repeal don't ask, don't tell; it merely authorizes its repeal pending a certification from the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff that a repeal would not harm military effectiveness. Just those three officials—not the four service chiefs or Congress, for that matter. This is a legislative gimmick and a distinction without a difference.

In reality, the majority is sending a signal to our men and women in uniform that we will not wait to hear their views or give them any due consideration once the Pentagon survey is finished. Instead, the Senate will turn its responsibility to legislate on this important matter over to three officials who have already publicly stated their support for repealing don't ask, don't tell. It is a blatant message of disrespect to our men and women in uniform that Congress is unwilling to even wait to hear what the force has to

say on this important matter before pushing ahead with a controversial political vote less than 2 months before an election.

That is why I am opposed to debating and amending the National Defense Authorization Act at this time. I feel very strongly that we should wait—actually wait—and not take any action on this controversial issue until we hear from our troops on what they think the impact of repeal would be. Then the Senate should take time to consider their views before deciding what we think is the best course of action. The only rationale for doing this now is a transparently partisan and political one.

After limited debate on only three amendments, two of which are not related to our national defense, the majority leader will then apparently push for a final vote on this legislation—or delay until the lameduck session—that also contains a controversial provision permitting abortions in military facilities, an irresponsible cut to the Iraqi security forces, and \$2.8 billion in porkbarrel earmarks that the President did not request and the military says it does not need. There will be no chance to debate these or other defense-related issues.

The effect of all of this is that the majority leader is turning legislation on our national defense into a political football. Debate is limited and unrelated. Politically controversial amendments are crowding out our limited time to debate actual military and defense-related legislation. This is a corruption of the principles and procedures of the Senate if there ever was one, and it disrespects the long-standing traditions of the Senate. It is only making it more likely that the National Defense Authorization Act will one day go the way of so many other authorizations bills, which is to say nowhere.

This kind of transparent politicization of our national defense should anger every Member of this body—Democrats and Republicans. The men and women of our Armed Forces deserve better, and we should demand better.

I regret to see that the long-respected and revered Senate Armed Services Committee has evolved into a forum for a social agenda of the liberal left of the Senate. I will do everything in my power, if we regain the majority, to see that the Senate Armed Services Committee returns to the tradition of addressing only those issues that are totally related to the defense of this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I will be very brief and save most of the debate for next week, but I do want to respond to a few of the statements my friend from Arizona made.

First of all, in terms of hate crimes amendments, last year when we adopt-

ed this, it was not the first time we adopted it on the Defense authorization bill. We at least considered and adopted, in some cases, hate crimes amendments in the fiscal year 2001 authorization bill, the fiscal year 2005 authorization bill, and the fiscal year 2008 authorization bill. I did not hear my friend at that time make suggestions that somehow the committee had lost its way in terms of bipartisanship.

We have not lost our way. The Senate is a body which has a right to offer amendments which are not germane or relevant to the bill in front of us. This is not the first time that someone wants to offer these amendments. It will not be the last time. For it to produce the charge that somehow or another the committee is no longer a bipartisan committee, it seems to me, is unfair, it is inappropriate, and I reject it.

The Senate has considered amendments on the Defense authorization bill in the last 20 years, not just on hate crimes, over and over again—long before I became chairman, by the way—but we have debated amendments on the Defense authorization bill on indecency standards, minimum wage, managed health plans, welfare reform, and the death penalty for drug-related killings. Those are just a few. I didn't hear anybody make the kind of charge at that time that somehow or other—because the Senate rules were being utilized to bring to the floor of the Senate an amendment which wasn't directly related to the bill in front of us—the committee itself had engaged in some kind of a partisan effort.

The rules of the Senate allow the majority leader to do what he did, and majority leaders have done that in the past. The rules of the Senate allow Senators other than majority leaders to offer amendments which are not relevant to the bill, and Republicans and Democrats have done that before on bill after bill after bill and on Defense bill after Defense bill after Defense bill. I think four times hate crimes has been offered, and I believe adopted, in this body on the Defense bill, but it didn't unleash or produce the kind of charge we have just heard.

The majority leader, a few moments ago, said there is not going to be an effort to limit the consideration of just three amendments, if cloture is invoked. In fact, he is hopeful, and so am I, that numbers of amendments—many amendments—can be considered before the recess. I would like to finish the bill before the recess, if we could. I would like to get time agreements. As a matter of fact, before this last recess, I asked unanimous consent that we move to this bill. I didn't put conditions on it, I just asked unanimous consent that we move to the bill, and I couldn't even get consent to do that.

What is unheard of around here, as far as I know, is what is going on repeatedly now in the Senate—objections, filibusters, and threats of filibusters to move a bill to debate. This

threat of a filibuster isn't a filibuster on the bill; it is a threat to filibuster our debating a bill and offering amendments on the bill. That is what is happening. Denying the Senate the opportunity to legislate on a Defense authorization bill is what is being proposed; that we not even be allowed to move to the bill until certain conditions of certain Senators are met.

There is going to be a lot of time to debate this cloture motion—and I will save most of that debate for Monday—but I do think it is inaccurate to suggest that suddenly there is an effort being made to offer a nonrelevant amendment to a bill in the Senate. Many of our bills have been subjected to nonrelevant amendments because the rules allow it. As the manager of this bill, I always try to figure out a way through that thicket. It is never easy. I have managed enough bills to know it is never easy to get through that thicket the rules provide for—that nonrelevant amendments are permitted. But it is not accurate to suggest, as my friend from Arizona has, that somehow or other last year, for the first time, we adopted a nonrelevant amendment when we adopted hate crimes because we adopted that very amendment on this very bill two or three times before that.

That doesn't even get to the point of all these other amendments which have been adopted, not just on the Defense authorization bill but on other bills which do not relate to the bill on the floor, and I just gave a few examples. Many of those amendments came from the Republican side. But to start suggesting that somehow or other what is happening is unique or novel, it seems to me, is not accurate and does not contribute to handling in a bipartisan manner—and in this I think I share the hope of the Senator from Arizona—the security of this Nation; that it should continue to be, as it always has been, and God willing always will be, a bipartisan matter handled in a bipartisan way by the Armed Services Committee.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, just a short time ago, the Senator from Arizona, my colleague, Senator JOHN MCCAIN, came to the floor and made an issue about the way we are proceeding on the Defense authorization bill. Senator MCCAIN, who is the ranking Republican on the Armed Services Committee, with Chairman CARL LEVIN, objected to several amendments which will be considered under this bill. One in particular is an amendment, a bill which I first introduced in its earliest form in the Senate almost 10 years ago. It is known as the DREAM Act.

The DREAM Act is a legislative effort to solve a serious problem, and the problem is this: There are many young people who were brought to America by their undocumented parents. They came at the age of a few months old, 2 years, 3 years, 10 years of age, 12 years of age. There was no family vote on whether they were coming to America; they were packed up and brought. Some came over legally and then became illegal because their visas were not extended. Some entered the country illegally. In every instance, these were children who were brought with their parents.

These children have grown up in America. They have gone to our schools. They have participated in community activities. They have now reached an age where they are finishing high school, many of them, and they believe they are Americans. It may be the only language they speak, the language of America, and they do not know of another country that they were told by their parents they once lived in.

What is to happen with these children? Under the laws of America, they are here illegally. The simple, direct answer is, they should be deported. But we know that justice calls out for a different approach, a better and fairer approach. To hold children responsible or culpable for any wrongdoing by their parents is something we do not do in any area of the law.

If I am arrested speeding down the interstate and have my grandson in the backseat, they are not going to arrest him for speeding. They will charge me with a crime, but they will not charge him. In this instance, the children in the backseat on this ride to America are being held as criminals.

They have virtually no future, no status, no country, and it is a desperate situation for many of them. Some of them are the best and brightest kids in America. They are the valedictorians of the class, the class presidents, they are the kids who get admitted to the good colleges and universities and want a good life in this country.

But they are stopped everywhere they turn. They cannot qualify for any Federal aid for education because they are not citizens and not here legally. They certainly cannot even enlist in the military, if they chose to, because under our laws, undocumented cannot enlist.

So what is to become of them? I introduced the DREAM Act to say let's at least give them a chance. Here is what the DREAM Act says: If you came to America under the age of 15, if you have been here 5 years, graduate from high school, no criminal record of serious offenses, good moral character, and you go on, in the next 6 years of your life after high school to enlist in our military or to complete 2 years of college, we will give you a chance. We will give you a chance.

Six years after high school, we will give you a chance to petition our gov-

ernment for legal status in America. That is it. What I have been told by many is that this is not only a good and just option for a lot of very young and talented people, but it also has other positive benefits.

Yesterday in my office was a young man named Eric Balderas. I brought his picture to the floor the other day. I met him for the first time yesterday. Eric Balderas is a sophomore at Harvard University. He was born and raised in San Antonio, TX. His mother and father were illegal immigrants to the United States.

He grew up in San Antonio and was accepted at Harvard University. That says a lot. After he was there for a short period of time, he decided he liked science. It turned out he was pretty good at it. As a sophomore, he has set his goal now. He wants to be a cancer researcher. He wants to stay the course, finish his masters, and even go on to an advanced degree so he can do research to find a cure for cancer.

Can we afford to let Eric go? Can we afford as a nation to send him back to Mexico, a place which he knows of but does not count as his home? Can we afford to turn our back on him? I do not think so. I think this is a valuable asset for the future of America. Eric's life should not be wasted. It should be invested in our future.

But there is also an option under the DREAM Act beyond the completion of 2 years of college for those who would enlist in our armed services. Senator MCCAIN came to the floor and he has traditionally supported the DREAM Act. But he raised a question as to whether it had a place in the Defense authorization bill.

I would urge my colleague from Arizona to consider the obvious. The Defense authorization bill is an appropriate vehicle for the DREAM Act because tens of thousands of highly qualified, well-educated young people would enlist in the Armed Forces if the DREAM Act becomes law.

The Army says high school graduation is the best single predictor of sticktoitiveness, the kind that is required to succeed in the military. That is required in the DREAM Act. You must graduate high school before you can qualify.

In recent years, the Army has been forced to accept more applicants who are high school dropouts, have low scores on military aptitude tests, and even some with criminal backgrounds to meet recruiting quotas. In contrast, now, the DREAM Act recruits would be well-qualified high school graduates of good moral character.

Many DREAM Act beneficiaries come from a community that is predisposed toward military service. The RAND Corporation found that Hispanic youth are more likely than other groups to express a positive attitude toward the military, and Hispanics consistently have higher retention and faster promotion speeds than their White counterparts. The Defense Department, in

its fiscal year 2010–2012 strategic plan included the DREAM Act as a means of meeting the strategic goal of shaping and maintaining a mission-ready, all-volunteer force.

In 2007, Bill Carr, Deputy Under Secretary of Defense, said the DREAM Act is “very appealing,” in his words, because it would apply to the cream of the crop of students and be good for readiness.

In 2006, then-Secretary of Defense David Chu, testifying before the Senate Armed Services Committee, said: There are an estimated 50 to 65,000 undocumented alien young adults who entered the United States at an early age and graduate from high school every year. Many of these young people may wish to join the military and have the attributes needed: education, aptitude, fitness, and moral qualifications. The DREAM Act would provide these young people the opportunity of serving the United States in uniform.

This was said by the Under Secretary of Defense under President Bush. It is bipartisan and it should be. Military experts also support the DREAM Act. LTC Margaret Stock, professor at West Point, said: Passage of the DREAM Act would be highly beneficial to the U.S. military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces.

The DREAM Act includes many important restrictions to prevent abuse. DREAM Act students would not be eligible for Pell grants and would be subject to tough criminal penalties for fraud and would have limited ability to sponsor any family members for legal status. The DREAM Act has broad bipartisan support, 40 cosponsors. In the 110th Congress it received 52 votes, a majority of the Senate, which under most circumstances is a winning vote, but in the Senate we require 60 for controversial issues which many Republicans might oppose.

In this case, though, with 52 votes, 11 Republicans joined us in voting yes. According to a recent poll by Opinion Research Corporation, 70 percent of likely voters favor the DREAM Act, including 60 percent of the Republicans.

I say this to Senator MCCAIN. I understand his point about amendments to the Defense authorization bill. I will not get into that particular point. I mean, he can argue that out with Senator LEVIN and Senator REID and they can come to the best conclusion. They tend to work together pretty well under normal circumstances. But to argue the DREAM Act has nothing to do with the defense of this country is to overlook the obvious, a point that has been made repeatedly by the leaders in the Pentagon and Department of Defense; that to give these young people a chance to volunteer to serve our Nation and to risk their lives for our safety and security is good for the military and gives them a chance for a life—a chance for a life.

How can we do this to these kids who came to this country with their parents and who know no other nation? One of these young students said to me along the way: Senator, I dream in English. That is something we ought to remember. For these children, America is the only home they have ever known, the only home they ever want to know.

All they are asking for is a chance. There is a larger issue about comprehensive immigration reform. We need it. I support it. I have worked with Senator McCain on it in years gone by, and we need to return to it. But for this particular group of young people in America, I beg my colleagues, give them a chance. Give these young people a chance.

They are counting on us, counting on us to come through. I do wish to say that this DREAM Act is going to be considered, I hope, next week. If we are successful on the motion to proceed, then we will move forward from there and probably debate it next week. We will need Republican support to pass it, and there should be. It should be a bipartisan bill. In the past, many Republicans have stepped up, understanding this is the right thing to do.

When I speak to some of my Republican colleagues today, there are myriad explanations of why they are not going to vote for it or may not vote for it: Oh, we need comprehensive reform. Maybe this is not the right bill to consider it on. After 10 years, I want to tell you, I do not know how I can continue to face these young people. I do not know how many any of my colleagues can without an effort, without trying.

I urge all my colleagues, over the weekend as they consider this important and historic vote, try to reach out and meet some of these young people. They will make converts of you in an instant. They are the future of America. They are going to be our military leaders and our engineers and our doctors, our lawyers and our accountants, even our Senators and our Congressmen. Giving them a chance to give back to this country is not too much to ask.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Delaware.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING FEDERAL EMPLOYEES

Mr. KAUFMAN. Mr. President, I rise again to honor our Nation's great Fed-

eral employees and, in particular, to celebrate this year's Service to America Medal winners. These are the employees we recognized in the 111st Congress.

Last night, winners of eight awards were announced by the Partnership for Public Service, a wonderful leading nonprofit, nonpartisan organization. One year ago, when I rose from this desk to pay tribute to the 2009 winners, I spoke about the values Federal employees embody: citizenship, hard work, a willingness to take risks, perseverance, intellect, and humility. All nine of this year's awardees exemplify these qualities.

One important value all of this year's winners share is concern for others. Whether rescuing Haitian orphans from a deadly earthquake, fighting against trafficking of minors, or helping Native Americans get access to Social Security benefits, this year's medalists have dedicated their careers and their talents to helping others. They do it for less pay—yes, less pay—and often longer hours than at jobs they could have taken in the private sector. If they receive a large compensation, it is in the form of the satisfaction that their lives are serving a meaningful purpose in service to their Nation.

This year's Federal Employee of the Year Medal was awarded to a Citizenship and Immigration Services officer who helped expedite the adoption of more than 1,100—that is 1,100—orphans in the wake of Haiti's devastating earthquake in January. Pius Bannis was the only American immigration official in the country working on adoption in the first weeks following the quake. He got right to work organizing temporary daycare in our Embassy and ensuring the provision of emergency supplies to Haitian orphanages, including diapers, food, water, and clean clothes.

Pius, in the midst of this Herculean effort, also had to cope with the loss of Embassy staff and their family members.

A naturalized immigrant to the United States himself, he knows firsthand the complexities of the immigration process, which makes him an outstanding CIS officer.

A resource conservation expert at the Environmental Protection Agency, Saskia van Gendt won this year's Call to Service Medal for her work on fostering green building technologies. Millions of tons of materials used in construction are disposed of each year in landfills—a third of our Nation's total solid waste. At the EPA, Saskia has created an innovative program to help spur a green revolution in construction materials. In 2007, she developed the Lifecycle Building Challenge. This annual competition engages architects, students, and builders to develop new designs that reduce the impact of buildings on the environment. Since 2008, Saskia has been working with the StopWaste grant program to encourage businesses to adopt environ-

mentally friendly equipment. The Call to Service Medal that she won recognizes those who have achieved early in their federal careers. Saskia is just 28 years old.

Honoring those who have spent many years in Federal Government, the Career Achievement Medal was won this year by Susan Solomon, a senior scientist in the National Oceanic and Atmospheric Administration's Earth System Research Laboratory in Boulder, Colorado. In her nearly 30 years as a government employee, Susan has been at the forefront of pioneering research into the hole in the Earth's ozone layer. Her research was critical in determining how certain consumer and industrial gases were affecting the ozone, which helped spur the landmark 1987 Montreal Protocol. Last year, Susan led a groundbreaking study that showed how the effects of carbon pollution, such as altered temperatures and changes in sea level, can linger for over a thousand years.

This year's Citizens Services Medal was awarded to a pair of officials also from Colorado. Shane Kelley and Eva Ristow work in the Denver office of the Social Security Administration. They won for their work to expand access to Social Security benefits for those living in impoverished and rural areas using an online two-way video service. For years, the SSA has had difficulties reaching those living in remote areas of the West, in particular Native Americans living on reservations. As a result, many do not know they are eligible to receive Social Security benefits that could drastically improve their families' standard of living. Shane and Eva developed an innovative Internet-based video teleconferencing system to help connect these rural communities to Social Security representatives in Denver. For those whose annual incomes can be as low as \$3,000, this new connection to the SSA—thanks to Shane and Eva—has had a gigantic impact.

As Deputy Director of Intelligence and Security and Chief of Innovative Technology for the Navy's Joint Interagency Task Force South, Sandra Brooks won this year's Homeland Security Medal. Drug smugglers are constantly seeking new ways to evade our border security and customs checks. Sandy is one of the highly dedicated Federal employees working to keep one step ahead of them. Her role is to analyze information from a stream of sources and make sure it is shared quickly with the military, law enforcement, and homeland security agencies in the field. Sandy's efforts have directly led to the capture of over 20 submersible vehicles used to bring illegal drugs into our country. Her work is breaking down barriers that in the past have prevented security agencies from sharing information.

This year's Justice and Law Enforcement Medal was won by Jamie Konstas at the Federal Bureau of Investigation. An intelligence analyst, Jamie helped



create a national online database used in investigations into the trafficking of minors for sex. Before this database was created, local law enforcement officials had few resources to track child victims or information on suspects after they had crossed state lines. Jamie's role is to spot connections and cross-reference clues to break cases wide open. Her tireless efforts have led to the prosecution of over 500 child predators.

The winner of this year's National Security and International Affairs Medal led a U.S. Army team at Fort Detrick, MD, that developed a new kind of medical kit to help troops wounded by roadside bombs. In Iraq and Afghanistan, improvised explosive devices—or "IEDs"—have been used to target our soldiers and have caused many casualties. Teri Glass and her team created a unique medical evaluation kit that has allowed medics in the field to transport wounded troops more safely and efficiently to hospitals. This has significantly raised the survival rate for soldiers wounded by IEDs. The kit Teri and her team developed can convert a range of non-ambulance vehicles into medical evacuation vehicles in less than a minute, using a foldable litter, a rear-facing attendant seat, and a lift system. When not in use, all of it collapses into a portable container the size of a suitcase and can fit in the back of a vehicle. Commanders in the field have credited this device as saving the lives of countless servicemembers.

Last, but certainly not least, the Science and Environment Medal for 2010 was awarded to the Department of Energy's Jeffrey Baker. As the Director of the Office of Laboratory Operations at the Department's field office in Golden, CO, Jeffrey has been the driving force behind the design and construction of the largest net-zero energy office building in the world. This means that the building generates as much or more energy than it consumes. Planning for the Research Support Facility began in the 1990s, when Jeffrey had a vision for a building that would not only house the Department's laboratories but also serve as an example of energy-efficiency. He oversaw the design process and construction, and the building was completed on time and on budget. Today, the General Services Administration is planning to replicate Jeffrey's approach for new federal buildings across the Nation.

All nine of these men and women are excellent examples of what government does right. They deserve our thanks and recognition. So do the 23 other finalists, as well as the thousands upon thousands of Federal employees who achieved great things this year as well.

I was proud to serve on this year's Service to America Medals Selection Committee—a blue ribbon panel that included my colleagues Senator CARPER and Senator VOINOVICH as well as leaders from across the nonprofit and

business sectors and members of the House of Representatives.

I hope all of my colleagues—and all Americans—will join me in congratulating the 2010 Service to America medalists and thanking them for their hard work on our behalf.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN CELEBRATION OF "CHANGE THE EQUATION"

Mr. KAUFMAN. Mr. President, I rise to congratulate President Obama for announcing today the launch of Change the Equation, a CEO-led effort to improve science, technology, engineering, and mathematics education or STEM. I rise to celebrate this incredible effort.

I have spoken many times on the floor, to outside organizations, and to a number of my colleagues individually about my passion for this issue. STEM education is a topic of personal importance to me, especially because I am the Senate's only formerly working engineer.

I truly believe, now more than ever, whether it is energy independence, global health, homeland security, or infrastructure challenges, STEM professionals will be at the forefront of the most significant issues of our time. That is not hyperbole; I believe that. STEM-educated graduates will hold the jobs of the future.

In fact, according to a study by Georgetown University's Center for Education and the Workforce, by 2018, STEM occupations are projected to provide 2.8 million new hires. This includes over 500,000 engineering-related jobs. When I hear people talk about how we are going to create jobs and talk about the macroeconomic effects and microeconomic effects, eventually you have to have jobs. You have to have people who are ready to take those jobs. That is the only way we are going to make it through this economy. In the next 20 years, as the Georgetown study has said, there will be 2.8 million more good jobs to keep us competitive in the United States with overseas.

That is why I am so pleased that the business community has responded to President Obama's educate and innovate campaign to improve the performance and participation of American students in all the STEM fields. Launched last fall, the campaign aimed to create partnerships between Federal agencies, companies, foundations, professional societies, and other STEM-related organizations to help American

students rise to the top of the pack in math and science achievements.

In response to the President's call to action, astronaut Sally Ride, former Intel CEO Craig Barrett, Time Warner Cable CEO Glenn Britt, Xerox CEO Ursula Burns, Eastman Kodak CEO Antonio Perez, along with support from the Gates Foundation and Carnegie Corporation joined to form Change the Equation. With a membership of more than 100 companies, this nonprofit, nonpartisan, CEO-led initiative will replicate successful privately funded programs in 100 high needs schools and communities.

Change the Equation will be working toward three goals: One, improve STEM teaching at all grade levels; two, to inspire student appreciation and excitement for STEM, particularly for women and underrepresented minorities; and three, to achieve a sustained commitment to improving STEM education across the United States of America. I am so pleased because these are some of the same goals I have advocated for during my time in the Senate.

Many Change the Equation members, nonprofits, and foundations have already created new public-private partnerships and made commitments to meet these goals. Public-private partnerships—that is what we need, and this is a great example.

For example, Lockheed Martin, the Military Child Education Coalition, and the National Math and Science Initiative will expand access to advanced placement classes in STEM subjects to public schools serving military families. What can be better than that? Talk about mixing everything together and coming out with something great.

HP is launching a U.S.-wide employee volunteering initiative with Donors Choose and National Lab Day. Other programs will improve professional development for STEM teachers, expand summer science camps for girls, and allow more students to engage in robotics competitions, to name a few.

If you have not seen a robotics competition, see one. It is incredible to see what these young people can do to make robotics. They can do something technologically difficult but have so much fun doing it.

All told, with the commitment made today by Change the Equation, the Educate to Innovate campaign has resulted in over \$700 million in financial and in-kind support for STEM education. This is an incredible accomplishment and just the kind of public-private collaboration we need to bolster STEM education.

Yesterday I submitted a resolution commending the efforts of the entertainment industry to encourage interest in STEM, something with which our Presiding Officer is very familiar. Many in that industry have heeded President Obama's call to join the educate and innovate campaign. The key to this is to make people feel it is cool to be an engineer, a mathematician, or

scientist. What better way than to have leaders in entertainment encourage this kind of activity? It is a wonderful program.

Today, I could not be more pleased that so many of our Nation's CEOs have also paid attention to this call to action and joined together to form Change the Equation. This is wonderful news. Support for STEM education is essential—essential, essential, essential—for our economic growth and recovery. It is the future of our workplace. The American people deserve no less.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRADE IMBALANCE

Mr. SPECTER. Mr. President, yesterday, I filed a report on a trip which I made to China, Vietnam, and Taiwan, but I did not have an opportunity to come to the Senate floor to discuss it. I do so today on a number of the highlights of the trip.

In Beijing, we met with the head of the banking department, who is identified in the filed report, to talk about a number of subjects, the centerpiece of which was currency manipulation. We reviewed the tremendous trade imbalance between the United States and China, much of which is occasioned by manipulating their currency.

Legislation has been introduced and is pending in the Congress, which I have cosponsored, but it has not gone anywhere. There has been comment made by the Secretary of the Treasury and the President himself about currency manipulation, but it has not done very much to correct a very bad situation. The Chinese have suggested officially that they would be willing to make some modifications, but what they have done so far has been very little.

In the conversation with the head Chinese banking official, he didn't give any ground, really. I also discussed with him the issues of subsidies and dumping, which have been rampant, taking away thousands of jobs in the United States. That was the subject of more extended discussion with the No. 2 Chinese official in their equivalent of our Department of Commerce, identified in the written report which I filed yesterday. We have seen some of our successful actions before the International Trade Commission. For example, last year we had a matter involving tires where the International Trade Commission found in favor of the petitioners and imposed duties. We were successful in a case involving tubular pipe. Earlier this week, I was the lead witness—as I had been on the tubular case and on the tire case—on seamless

steel before the International Trade Commission.

What we have seen with the Chinese practices on subsidies and dumping is a flagrant violation of international trade law. Before the International Trade Commission and I believe on the floor of the Senate, I have characterized it as international banditry. That is clearly tough talk, but I think it is accurate when there are repeated violations of international law.

When I discussed these issues with the No. 2 Chinese official in the Department of Commerce, again there was very little give—talking points, sticking with them. When I talked about subsidies, he brought up our practices on farm subsidies. I pointed out the total differences which were involved in those matters.

From China, we traveled to Hanoi and there met with a number of officials. There was a very interesting meeting with a historian who was identified in the report filed yesterday. It was fascinating to talk to somebody on the perspective of what the history of Vietnam is. He pointed out that in a few weeks, Hanoi will celebrate its 1,000th anniversary as a city. We pride ourselves on the settlement in Philadelphia—especially Philadelphia but Boston and other American cities. In tenure, it pales into insignificance when you talk about a city which has been in existence for 1,000 years.

When I talked to him about Chinese trade practices, he said: Well, they are very difficult. I talked to him about what China is doing in the China Sea, which has been a subject of international notoriety when our Secretary of State, Hillary Clinton, made comments that those were matters of importance to the United States. What China is doing there is going into the island areas where you have islands long held by Taiwan or by the Philippines or by Vietnam and others, rich in minerals, and asserting control and really acting like the bully they are in that issue, as well as on trade matters.

I was fascinated to hear the historian recount 13 invasions by China against Vietnam. Although it is not exactly the same, I wondered and speculated about U.S. action in Vietnam, going into Vietnam to protect Vietnam from the incursion of the Chinese Communists. Vietnam seems to have done very well for itself for centuries. In a context where China has tried to invade them, they have been able to protect themselves.

From Vietnam, we traveled to Taiwan and there met with the President of Taiwan and had a very extensive discussion about their economy and their trade practices. I was interested to note that the People's Republic of China, the mainland, and the Republic of China, Taiwan, have signed a trade agreement. They do it through corporations, but they are obviously backed by the state. It appears to me that is almost tantamount to tacit recognition, when mainland China nego-

tiates with Taiwan in that context. When I discussed it with the officials, they all said: No, no, it is not tacit recognition; the People's Republic of China still maintains that there is one China. But some 20 countries have recognized Taiwan as an independent government, and they are moving ahead and have some 15 treaties between the 2 countries. They are working it through on what appears to be a fairly extensive normalization of relations.

Although the President of Taiwan was very interested in having the arms sold by the United States, I pressed him on whether it was realistic, really a measure that they could defend themselves, or whether it was symbolic. I did that in the discussions with other officials in Taiwan.

It appears to me that we might consider revising our policy on the sale of arms to Taiwan where we have an irritant to mainland China that doesn't really accomplish very much. We recently have sold Taiwan some \$4.6 billion worth, which is very substantial, but if the People's Republic of China, mainland China, decided to invade Taiwan, the defenses they have and their request for additional fighter planes, which has not been granted—all of that would not be sufficient to stem the tide.

While in Taipei, Taiwan, we visited the 101 building, 101 stories. It was completed a few years ago, and at that time, it was the tallest building in the world. It has since been supplanted. It was quite an experience to be 101 stories above the ground, visiting the towers. As is known, when a building is that tall, it sways. But they have three enormous balls—I do not have the precise measurement but perhaps 50 feet in diameter. One of the balls is at the apex of the building, right at the top, with huge springs, so that when the building sways, the ball and the springs keep it in an upright position. I have been in some tall buildings in the United States and felt the sway, but this is remarkable. We were told there are three enormous balls in the building.

I wish to supplement the written statement filed yesterday with a supplement, an addendum to the written statement. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### SUPPLEMENTAL STATEMENT ON FOREIGN TRAVEL CHINA

(Meeting with Wang Chao, Vice Minister of Commerce, Aug. 9, 2010)

In my meeting with Wang Chao, Vice Minister of Commerce, he provided a history and snapshot of the Chinese economy. He indicated that since 1979, China has tried to foster positive commerce and economic growth. At the time of the revolution, China's economy ranked 15th. Today it is 2nd. However, the Minister pointed out that China's GDP per capita still ranks in the 100s and therefore is still a developing economy. Many regions in China, especially rural areas, lag behind the industrialized cities.



I pressed him on what is viewed as unfair economic practices. The Minister replied that China will continue to reform its economy and integrate with the international economy. The balance of trade between the US and China was 2.5 billion in 1979. Last year it registered over 300 billion. Today, 58,000 US companies have a presence in China representing a total of \$63 billion in investment. I encouraged Mr. Wang to implement policies that would increase China's investment in the US which stands at 3.3 billion.

I shared the history and plight of the steel industry in the United States and how practices such as dumping have caused significant unemployment. The Vice Minister countered with complaints about US agriculture subsidies, the plight of Chinese farmers, the United States' refusal to recognize China as a market economy and its unwillingness to ease export controls on non-defense high-tech products.

#### VIETNAM

(Meeting with Duong Trung Quoc, Historian and Assembly Member, Aug. 12, 2010)

On Thursday, August 12, I had the opportunity to meet with Mr. Duong Trung Quoc, a member of the National Assembly and a noted historian. Mr. Duong is one of the few members of the Assembly who is not a member of the communist party. He provided me with a history of the region with a special focus on Vietnamese-Chinese relations. Mr. Duong informed me that China had invaded Vietnam on 13 occasions. He noted that October 2010 will mark the 1,000 year celebration of Hanoi. I told Mr. Duong that on the way to our meeting, I had the opportunity to visit the Ly Thai To statue. Mr. Duong provided some background on the founder of the Ly dynasty and the two decades during which he ruled. Interestingly, Ly Thai To launched a pre-emptive strike on China in an effort to prevent and invasion.

The conversation turned to China's regional and global ambitions and its hegemonic statements and actions in Southeast Asia. I asked if China was attempting to dominate the entire region. Mr. Duong said that China's policy is to get more power and that they have difficulty acknowledging other countries and rights in the region.

I asked about the claims of various countries over islands in the South China Sea. Mr. Duong said that China's goal is to have them all as their territory. He told me that all Vietnam wants is to enjoy its sovereignty and rights and territory consistent with international law.

I asked Mr. Duong about what could be done to resolve the conflict on the Korean Peninsula. He responded that China could do much more to resolve the matter, but that they use the conflict as a tool in its bilateral relationship with the United States.

I asked how Mr. Duong has survived as a politician while remaining outside the communist party. He informed me that the government does not pressure him and that he has been able to operate freely. He further stated that of the 85 million residents in Vietnam, only 5 million are members of the communist party. However, 95 percent of the members in parliament are members of the communist party. He stressed a need to have more non-party members in the Assembly. I asked if moving Vietnam towards a market economy could have a positive impact in growing non-party participation. He indicated it could be a step towards forming a two party or multi-party system but that it could take a very long time.

#### TAIWAN

(Working Lunch, Dr. Lyushun Shen, Deputy Minister of Foreign Affairs, Aug. 15, 2010)

The Deputy Foreign Minister provided a unique background in that he had lived in

Philadelphia and was stationed in the Midwest while serving with Taiwan's foreign ministry. The forum provided an opportunity to candidly discuss issues of importance in our bilateral relationship as well as those impacting the region.

We discussed the impact of Taiwan 101—the second tallest building in the world—and what prestige that has brought to Taipei. We discussed Taiwan's economy and the impact of the economic downturn.

I asked the Minister what could be done about North Korea. He indicated that the multilateral discussions should continue to resolve the conflict. On the issues confronting the cross-strait relations, the Minister was optimistic about the future. He provided a background on what steps and agreements have been made between Taipei and Beijing with an emphasis on the Economic Cooperation Framework Agreement struck between both sides. This agreement will remove barriers on trade and provide enhanced access for imports and exports. I asked if this continued economic integration will provide a framework for both sides to move peacefully in the future. The Minister was optimistic it would be coupled with the vibrant social integration between the people of Taiwan and mainland China.

#### TAIWAN

(Meeting with Wang Jin-pyng, President of the Legislative Yuan, Aug. 16, 2010)

At 9:30 am on August 16, I was hosted at the Legislative Yuan by Wang Jin-pyng. I noticed a small protest outside the building and the President commented that demonstrations occur every day much like Washington, D.C.

I asked about the impact of the trade agreement between the Republic of China and the People's Republic of China. Wang Jin-pyng informed me that the Economic Cooperation Framework Agreement (ECFA) was being discussed at the Yuan during my visit and that legislators were reviewing the text which is set to take effect in July 2011. He indicated that there were already fourteen agreements between Taipei and Beijing.

I asked if this agreement signifies a certain recognition of the island by Beijing and that perhaps China was moving from non-recognition to non-denial. I was told that Beijing's goal is still full reunification. The head of the Yuan stated that the Republic of China, which is commonly referred to as Taiwan, is recognized by more than twenty countries but that mutual recognition is still far away.

I asked if Taiwan had steel interests, dumped and subsidies like mainland China and what, if any, trade disputes were outstanding. He indicated that napkin towels have been dumped by China which forced Taiwan to levy a heavy duty. He also indicated that Taiwan provided money in its budget for industries to transition as the ECFA may force some industries to go out of business.

The conversation shifted to China's hegemonic actions in the region. Many entities in the region, including China and Taiwan lay claim to islands in the South China Sea. A concern I heard repeated during my travels is China's power grab on territory and seas which could yield them rights to oil and gas. The Taiwanese stated that any outstanding disputes should be resolved peacefully between all interested parties.

When I asked about what could be done on the North Korean issue, Wang Jin-pyng stated that Taiwan does not have the capacity to deal with North Korea but that bilateral talks should be resumed between the North and South. He indicated that China could play an enhanced role and provide much needed economic assistance to North Korea

as an incentive. He stated that the US-South Korean joint military exercises are good because they put pressure on North Korea and demonstrate resolve. He further stated that the issue of succession in North Korea is a driving force which may impact posture and actions but that the economic situation in the North is so bad that we should continue to supply humanitarian aid. Wang Jin-pyng believes that economic normalization in exchange for security is the key to resolving the issue.

I asked about the importance of F-16 sales to Taiwan and their real benefit in any cross-strait conflict. I was informed that the sales are both substantive and symbolic in showing backing for Taiwan and aiding in any future cross-strait negotiations and talks. Further, Taiwan has a duty to its people to provide defense of the island.

Mr. SPECTER. In the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts about the surprising decisions that were noted in some of the media that the majority leader, certainly with the support of the administration, plans to introduce a very significant, very controversial, unacceptable amnesty amendment to the Defense authorization bill. The proposal is called the DREAM Act.

A lot of people think this is legislation that we need to deal with, and some have supported it over the years. It has been coming up for quite a number of years and never passed. So what do we have now? We have a scheme to bring it up, not having had it go through the committee process. The bill was introduced March 2009. I assume that is what Majority Leader REID plans to bring up, but we have not been given the amendment language. So they have got this DREAM Act proposal. They want to add it to the Defense bill, and put it on a bill that is so important they think the Congress will pass it anyway. Pass it as part of the Defense bill. We are weighing down the Defense bill—I am on the Armed Services and Judiciary Committees where both of these matters have come up. They want to weigh down this armed services bill with controversial legislation that ought not to be on it, to jeopardize it and put us in a position where a lot of good people who otherwise want to support the bill will not be able to do so, No. 1.

No. 2, let's talk about the DREAM Act. The American people have every right to be unhappy with this Congress. They have every right to be unhappy with the President of the United States. This Congress and this President have not shown any inclination to end the massive lawlessness that is occurring at our borders. We have learned

that. We went through this debate several years ago. I was engaged in it deeply, spent a lot of time and effort on it, and the message the American people sent to us, when they shut down the switchboards in this Senate by so many phone calls, was border security first. We have got to end the lawlessness. So when you take a policy that says you are going to reward people who have entered our country illegally with a guaranteed pathway to citizenship, and with billions of dollars in financial aid or benefits they would not otherwise be entitled to, what message are we sending? We are sending a message, as we have too often sent year after year after year, that we are not committed to a lawful process of immigration in our country.

Let me say, a lot of people some years ago thought that we could never get to a legal system of immigration. And we can. We have made some progress. We have built a fence—not all that was supposed to be built, but the fencing has helped. We have done some things that have helped, but we are not there yet. I believe there is a national consensus out there—polling data shows it. My conversation with my people in my State and around the country in airports and so forth indicates that what we have to do is end the massive illegality and then we can begin to talk about people who have been in our country a long time. I am not saying that is something that should never be talked about and dealt with. But in 1986, this country said, well, we have got a lot of people here illegally. What we have got to do is to make them all legalized and that will end the problem, see. Everybody will be legal then. We do not have a real problem anymore. We promise we will enforce the law in the future.

Well, the amnesty took place immediately and the ending of illegality did not occur. In fact, illegality increased dramatically. Why? Because the message that went out, not the words that were said by politicians on the floor of the Senate, but the real message that went out around the world was, Americans do not care if you get in the country illegally and if you can stay there for a while, you are going to get amnesty too.

It is the same people today who are making the same argument. It cannot sustain scrutiny. It cannot sustain any critical analysis. It will not work. It is a failed policy.

Look at the DREAM Act. It would eliminate the statute passed a little over 10 years ago in 1996 that said, if you are in the country illegally, you should not be given in-State tuition. A really big deal. Oh, it is mean spirited. If you are in the country illegally, I am not sure what you should be entitled to, but certainly not discounted tuition or Pell grants, or student loans.

The first thing you do when you want to end illegality on immigration policy is stop subsidizing it, for heaven's sake. Stop subsidizing it. What kind of mixed

message is it when you have people in the country illegally and you give them special benefits, including Social Security and other benefits too?

They will be given a green card that has certain conditions. But, in fact, basically, I would say if you do not commit a felony, you are put on a guaranteed path to citizenship. Well, oh, you have to go to school or get a GED or be enrolled in a community college. What happens when you do these kind of things? I mean, there are people here who have nephews and nieces, children not in this country. They read that we passed such a bill as this. Why would they not think, well, I need to see if I can get my relatives in, my grandchild or whoever, in this country illegally.

They are not allowed to come in. Everybody else has to wait in line, maybe hire lawyers to make sure they can get their entry into the country legally. I will bring in my niece, my nephew, and they will qualify for this act in a few years. Why would that not increase the amount of people who would come into the country illegally? It certainly would do so. We have discussed these issues before.

This is a bogus policy. And after a few years, you are placed on a path to become a full citizen of the United States, ahead of millions of people who waited in line dutifully to get their citizenship. It is a reward for illegality. You can spin it any way you want to. We discussed this for years in this body. It will not stand scrutiny. It is not good policy.

I understand some of my colleagues are saying this is somehow relevant to the Defense bill, because there is an option to serve in the military for two years that will put you on a path to citizenship. Well, there are programs already for people who join the military to enhance their ability to get citizenship.

But this bill is plainly legislation that has been kicked around here for a decade, at least, and it has never been brought up as a Defense bill. It has always been brought up as an immigration bill, which it plainly is. So now to come in and try to say it is somehow connected because of this minute possibility, that 5 percent, probably at most, would demonstrate their educational advantage through the military is a stretch. I want to repeat: What is happening here? This administration, it has been reported, is having internal analyses done to determine how amnesty can be given without congressional action.

They have announced recently that people apprehended in our country illegally will not be deported unless they have committed a felony, presumably DUI or larceny, misdemeanor theft. So as long as you do not plead guilty to a drug felony, that will not lead to deportation.

That is the kind of action that eviscerates enforcement. We do not need to be having that kind of policy in our country. We had the spectacle, shortly

after President Obama was elected, when a hard-working, honest ICE agent conducted a raid at a company in Beltingham, Washington and found a whole bunch of people there illegally working, and it caused an uproar.

Secretary Napolitano said, I am going to get to the bottom of it. Was she getting to the bottom of this company that hired a bunch of illegal aliens? No. She was going to get to the bottom of how it was that a law enforcement officer actually had the gumption or the initiative to go out and try to enforce the law in this country. They announced a policy based on campaign promises they had made during the campaign that they were not going to do that anymore. And, presumably, I am not aware of any that have been conducted since. They have people from immigration advocacy groups running to the administration in high concern—you promised us you would not enforce this kind of law.

What do the American people think about this? They are not happy. People should not be happy about it. We are a nation of laws. We need to end the lawlessness. I was a Federal prosecutor for 15 years. I know something about how this has played out, and I have looked at it closely over the last decade. It was not something I chose to be involved with. We almost had to raise a question and begin to examine it.

What I have discovered is, the potential is there, it is within our grasp, to be able to end this massive lawlessness and create a lawful system.

At that point, we will be able to involve the American people and then ask how should we treat people who might have come here young and have been here quite a number of years? How should they be treated? But to do anything that creates a guaranteed path to citizenship for people who are here illegally now will only undermine the progress we have made in enforcement in recent years. People can wish things were different. But in my analysis, we simply have to follow through on the law of the land, to end the lawlessness. We may need to pass legislation to help, and we will. But we also have to have the will of the Commander in Chief, the chief law enforcement officer, the President of the United States. We have to have the support of the majority leader of the Senate, the Speaker of the House, and the majority party in the Senate. They have to be committed to ending lawlessness. Are they or are they not? They will say they are. But I would say this DREAM Act gimmick, this manipulation to stick it on the Defense bill is a clear statement that they are not committed to it.

In fact, what they are committed to is a political plan to assuage some campaign promises made last time and to provide another method of legalizing those who have entered the country illegally. That is not right.

What are we going to do? Let's get busy. Let's end the lawlessness now.

We can do this in a few years. It is not going to break the bank. I have been there and looked at it and studied it. If we followed up on the gains we have made, we would make even more and be in a position to wrestle with these kinds of issues.

My concern is the following: First, it ought not to be on the Defense bill. It ought to come through in the regular order and in the light of day so people can have hearings and testimony, and citizens who are concerned about it on either side can have their view and their say. Secondly, we don't have the money. Estimates I have seen have indicated that this bill, amazingly, could cost the Treasury of the United States \$19.2 billion just for the first 2 years. Where are we getting that money from? We are already in record deficits, having almost doubled the debt, and will triple the debt in 8 more years. We are going to add another \$19 billion to subsidize illegal activity? In addition to that, Social Security entitlement benefits, welfare, Pell grants, student loans, all those would be added to the cost also.

Are there any funds to investigate whether someone is qualified? It may be that the average American hearing this debate says: These people came here at age 3. They should qualify for in-state tuition, even if they illegally came here. But those qualifications, coming here at that age, is not the requirement, first. No. 2, they only have to prove they have been in the country for 5 years. How do they prove it? They produce false documents. This is commonly done. How do they prove they came here at age 14, age 12? They may or may not have documents.

Do you think the FBI is going to take a document submitted to the immigration people to justify qualifications under the DREAM Act? Does anybody think the FBI is going to investigate to see if these are forged documents? Nobody is going to check this out; they don't have time. There is no money in the legislation to do so, no requirement that I can see to do so.

I know illegal immigration causes significant social and emotional problems throughout society. Some would say the way to remedy it is to not let anybody suffer any consequences as a result of violating the laws of the United States. Just don't enforce the laws. Reward the people who came in here illegally. Don't do anything about it.

Of course, on the surface that is untenable. But when you come up with a plan that simply says if you are in our country illegally, you don't qualify for in-state tuition, or you don't get subsidized student loans if you came into the country illegally, this is seen as harsh and mean spirited and should not occur. But great governments have to decide how they are going to conduct their business, and they have to decide whether we are going to end this lawlessness and have a lawful system of immigration.

This country, by the American people, has made up its mind. They have told the Congress what they want. But the arrogance, the total disrespect of the decent, honorable plea from the American people to end the lawlessness and create a system we can be proud of is surprising to me. I would think the Congress, after all we have been through, would have understood that the plea of the American people is not mean spirited. It is not unfair. It is quite legitimate and decent. We believe in immigration. We want immigrants to come to the country. We believe they should apply. We believe people who qualify should come here before people who do not qualify. That is what America is all about. That kind of legal system is one of the things that attracts people all over the world to come here. It should not be undermined.

If we do the right thing, we will reject this amendment. Hopefully, it will not even be brought up. Please, I hope it is not brought up. It is just going to cause a lot of frustration and tension on the Defense bill that ought to be focused on the men and women in harm's way and how to help them do their job better and more safely. I hope it does not come up. But if it does, it needs to be voted down. We need to tell the President, tell his Secretary of Homeland Security and his ICE department, tell Members of Congress we are tired of fooling around. Let's get busy and complete the job and create a lawful system of immigration of which we can be proud.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. GOODWIN. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

##### SERGEANT STEVEN DELUZIO

Mr. DODD. Madam President, it is with a heavy heart that I rise today to mark the passing and honor the service of Army National Guard soldier SGT Steven DeLuzio of South Glastonbury, CT.

Sergeant DeLuzio died August 22 during a fierce small arms attack while serving with the Vermont National

Guard in Paktika, Afghanistan. He had only 19 days left before he was due home to his family and loved ones.

Sergeant DeLuzio graduated from Glastonbury High School, where he was a born leader and active in school activities. He served as freshman class secretary and is best known for leading the Glastonbury hockey team to a State championship his senior year as cocaptain. Feeling a call to serve after the events of 9/11 he signed up to serve with the Vermont National Guard in 2004, just like his older brother, Scott. He served one tour of duty in Iraq in 2006 and was deployed to Afghanistan in March of this year.

In his too short time, Sergeant DeLuzio proved himself as a selfless and heroic soldier. Many in the small town of South Glastonbury speak of Steven as always putting family and country first. His father, Mark DeLuzio, told the local paper that "Steven is a hero and the greatest son." Due to his heroic actions on the day of his death, Steven was posthumously awarded the Bronze Star and Purple Heart.

As a tribute to such an extraordinary young man hundreds of mourners attended funeral services for Steven this past weekend at St. Patrick's church in South Glastonbury. His brother, Scott, who is currently serving in Afghanistan as well, said that Steven was "a best friend. He was more than just a brother. He was all you can ask for in a friend."

Steven DeLuzio was a man of dauntless courage and bravery. His service and his sacrifice are a credit to his parents, Mark and Diane. I know how proud they, along with the rest of their community, are of him, and I hope they know that we grieve alongside them. They, along with Steven's fiancée, Leeza Gutt, are in our hearts.

Our freedom is won and our country endures because of the selfless sacrifice of heroic young men and women such as SGT Steven DeLuzio. All of us in Connecticut and across America mourn this tragic loss, and none of us will ever forget the debt of gratitude we owe to him and his family.

#### LEGACY OF AGENT ORANGE

Mr. LEAHY. Madam President, during the Vietnam war more than 20 million gallons of herbicide known as Agent Orange, much of it containing the highly toxic chemical dioxin, were stored, mixed, handled, and sprayed by U.S. airplanes over millions of acres of forest and farmland in Vietnam. Since then, dioxin has been linked by the U.S. Institutes of Medicine to various cancers and other debilitating diseases, as well as birth defects. The International Agency for Research on Cancer and the National Institute of Environmental Health Sciences classify it as a human carcinogen.

Millions of Vietnamese citizens and U.S. military personnel were exposed,