

There has never been a period like what we are going through now, in terms of the sheer volume and complexity of rule-making.

My friend, this is unprecedented in American history. The scope, the cost, the magnitude of this legislation is unprecedented, according to the American Benefits Council. And the point of my bill is that that does violence to the Bill of Rights, it does violence to the intent of the Founding Fathers that the Federal Government be limited in its power and scope and that we leave most of the rights we are endowed with by our creators to the people and to the States themselves. So it is a great privilege to join my colleague today in making this point.

Mr. BARRASSO. With that, I thank and congratulate my colleague for his vision and his foresight and his leadership because this is, I believe, how the Founding Fathers would have seen it. I believe those who wrote the Constitution would be on board with this piece of legislation to say, as the 10th amendment does say, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. VITTER. Mr. President, I ask unanimous consent to speak for up to 3 minutes.

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

Mr. VITTER. Mr. President, I come to the floor to strongly urge my colleagues, Democrats and Republicans, to oppose cloture on the so-called DREAM Act. That will be one of our votes in a few minutes. All these votes are important. That is the most important.

The reasons we should oppose cloture are simple and basic. They all go to this past election. They all ask the question: Have we been listening at all to the American people? The American people have been speaking loudly and clearly on issues that pertain to the DREAM Act. I point to three in particular.

No. 1, the DREAM Act is a major amnesty provision. There are no two ways about it. It grants at least 2.1 million illegals amnesty. It puts them on a path toward citizenship, which will also allow them to have their family members put in legal status. That means when we count all those people, there are probably two to three times that initial 2.1 million people who will be granted some form of amnesty. When we are not securing our borders adequately, when we are not putting a system in place to enforce workplace security, that is absolutely wrong.

No. 2, we are in the middle of a serious recession. The American people are

hurting. Things such as slots at public colleges and universities, things such as financial aid for those positions are very scarce and very sought after, more than ever before, because of the horrible state of the economy. These young illegals who would be granted amnesty would be put in direct competition with American citizens for those scarce resources. Are we listening to the American people about the struggles they are going through right now in this desperate economy? If we do that, the answer would clearly be no.

Third, what about spending and debt? The American people have been speaking to us loudly and clearly about that. Yet the DREAM Act would increase spending and deficit and debt. Would we be listening to the American people about that, were we to pass the DREAM Act? Absolutely not. The DREAM Act has at least \$5 billion of unpaid-for spending in it, by all reasonable estimates. If we grant amnesty to 2.1 million people and then down the road we double or triple that when counting family members, of course, there is cost to that in terms of Federal Government benefits and programs and spending. Reasonable estimates say that is at least \$5 billion of cost, unpaid for, increasing spending, increasing deficit, increasing debt. If we did that by passing the DREAM Act, would we be listening to the American people? Absolutely not.

Let's come to the Senate Chamber and perform our first and most solemn duty, which is to listen to the American people, listen to the citizens of the States, and truly represent them in this important body. Let's listen to them when they say no amnesty. Let's listen to them when they say how difficult their lives are in this horrible economy. Let's listen to them when they say control spending and deficit and debt. Don't increase it yet again.

I propose we listen to them. I will listen to them and vote no on cloture on the DREAM Act.

I yield the floor and 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. REID. 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. REID. Mr. President, as I said this morning when the Senate came into session, the House passed, late last night, the DREAM Act. I have asked consent from my colleagues on the other side of the aisle to vitiate the cloture vote, and that was not granted this morning, which I think is unfortunate because it is a waste of the Senate's time because we need to act on a piece of legislation that is already passed, so that when we pass it, it would go directly to the President.

We have been told by my Republican colleagues that they are not willing to do any legislative business, which I

think is untoward and unnecessary and unfair. But that is where they are. So that being the case, Mr. President, I would again renew my request that we vitiate the vote on cloture that is pending before the Senate at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection has been heard.

Mr. REID. Mr. President, hearing the objection, I move to table the motion to proceed to S. 3992, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

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

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 268 Leg.]

#### YEAS—59

Akaka	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Risch
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Coons	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
Crapo	Manchin	Warner
Dodd	McCaskill	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	

#### NAYS—40

Alexander	Enzi	McCain
Barrasso	Feingold	McConnell
Bennett	Graham	Menendez
Bond	Grassley	Merkley
Brown (MA)	Gregg	Pryor
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kirk	Voinovich
Cornyn	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

#### NOT VOTING—1

Brownback

The motion was agreed to.

The PRESIDING OFFICER. The motion to proceed having been tabled, the cloture motion is vitiated.

#### JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Pursuant to the provisions of Rule XXII, the

clerk will report the motion to invoke cloture.

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, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 641, H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010:

Harry Reid, Kirsten E. Gillibrand, Charles E. Schumer, Robert P. Casey, Jr., Patty Murray, Al Franken, Jeff Bingaman, Benjamin L. Cardin, Joe Manchin III, Daniel K. Inouye, Michael F. Bennet, Jeanne Shaheen, Robert Menendez, Barbara Boxer, Frank R. Lautenberg, Christopher J. Dodd, Richard J. Durbin.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 847, a bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

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

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 269 Leg.]

#### YEAS—57

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

#### NAYS—42

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

#### NOT VOTING—1

Brownback

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 847.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Madam President, for the benefit of Senators, I have had a number of discussions with the Republican leader, and we hope we can very quickly lay down the tax bill.

Mr. MCCONNELL. Would my friend yield?

Mr. REID. Yes, I will yield.

Mr. MCCONNELL. It is my understanding that it is complete and ready and, actually, we could move to that very soon—within the next hour or so.

Mr. REID. Madam President, the chairman of the Armed Services Committee gave a speech on the Senate floor. I have such admiration and respect for Senator LEVIN. He does such a wonderful job protecting America in so many different ways, not only as chairman of that important Armed Services Committee but on the Permanent Subcommittee on Investigations and all the other things he does. But he gave a speech today saying that if we don't get on the Defense bill today, we will not get it done this year.

So in the next little bit I am going to make a decision whether I am going to reconsider the vote on that bill, and I want everyone to know that is what I am going to do. I have a longer presentation I have worked on to make that presentation, but before getting into a lot of detail on this, I just want to say I appreciate everyone's help on this—Senator LEVIN, Senator LIEBERMAN, Senator COLLINS,—those who have worked with me in trying to see some way to get this completed. But I will make that decision in the next little bit.

So having said that, we will have more information later as to what the rest of the week holds as far as votes. If we are able to lay down the tax bill early today—and, of course, I have had a number of requests. Some people want something in it; some people want something out of it. But that notwithstanding, one of the most important things we need to do, as I have been told, is we have to make sure people don't think they are jammed—a word I just picked up from Senator KYL—on this legislation. We have to make sure people have the opportunity to read it.

That being the case, I will confer with my friend, the Republican leader, to find out what that means.

But let's assume we brought this to the floor and immediately filed cloture on it. That would mean a Saturday cloture vote. We will see what we can do to make sure people believe they have had an opportunity to look at the legislation and to make a considered decision on what should be done with their

vote on this very important piece of legislation. So as far as future votes—stay tuned.

I heard one of my colleagues say over here, we are in a normal situation in the Senate—a state of flux.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

Under the previous order, the Senator from Utah is to be recognized for 20 minutes or such time as he may consume.

#### FAREWELL TO THE SENATE

Mr. BENNETT. Madam President, there used to be a very strong tradition in the Senate that every new Senator gave a maiden speech, and in that tradition some Senators waited as long as a year before they gave the speech. Then, when the time came, the more senior Senators would gather and take notes and then critique the newcomer on how well he did.

Life has changed a good deal. I never gave a maiden speech. I plunged right into the debate when I got here. Now the tradition seems to be to give a farewell speech. So I am grateful to my colleagues who will gather for this occasion as I contemplate saying farewell to the Senate. But I will warn them, this is probably not my last speech. I intend to be heavily involved in the debate over whether we pass a continuing resolution or an omnibus bill.

I have a history with the Senate, and it began when I was a teenager as a summer intern. I remember sitting in the gallery and watching Bob Taft prowl across the back of the Senate, watching to make sure things were going according to his desire. He had been the majority leader. He had stepped down from that position because of the cancer he had contracted, but he was still paying attention to this body where he served with such distinction.

Lyndon Johnson was sprawled out with his lanky frame at the Democratic leader's desk, and I was watching from the gallery, thinking what an extraordinary place this was.

Ten years later, I came back as a staffer, and I served here. I was sitting in my cubicle in the Dirksen Building when word came that John F. Kennedy had been shot in Dallas. We didn't know whether he was dead. We all rushed over to the Senate, where there was a ticker tape back in the back lobby, to see what was happening. I rushed in with the others to see what was there and then looked to see whom I had jostled aside in order to get to see the ticker tape. It was Mike Mansfield. I quietly withdrew, realizing I had done something that was not appropriate on that occasion.