

you. Good for you. You know what is important, and you have steered America toward a better future.

I thank my colleagues.

(Applause, Senators rising.)

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CONRAD. Mr. President, we have just heard from Senator DORGAN, an extraordinary Senator and even more extraordinary as a friend. He has served in the Congress for 30 years. He has served in public office in my State for more than 40 years. It has been my privilege to call him my best friend for 42 years. We just heard the remarkable ability he has, a gift, to paint word pictures that communicate with people, that help us understand the consequences of the actions we take here.

In recent weeks, I have become very interested in the universe and the vastness of what surrounds us. One of the things I have found most striking is that 1 light-year takes light 1 year, it goes 5.8 trillion miles and the universe is 12 to 15 billion light-years across. This is a vastness that is hard for us to calculate. Scientists tell us it all started with a big bang almost 14 billion years ago. Now scientists are saying it may not just be one big bang but there is a cycle that takes place over 1 trillion years that leads to repeated big bangs. BYRON DORGAN has been a big bang in the Senate. He has made a difference here. He has made an enormous difference in our home State of North Dakota. He helped build a foundation that has made North Dakota, today, the most successful State in the country—the lowest unemployment, the best financial situation, the fastest economic growth. BYRON DORGAN helped build a foundation that has transformed our State. We are forever in his debt.

As his friend and colleague, we are forever grateful to the contributions he has made to North Dakota and to the Nation.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I associate myself with the remarks of the Senator from North Dakota and add my voice as well to celebrate Senator DORGAN's tenure in the Senate. I wish he was going to stay. He has been someone about getting things done. As somebody who has sat in the presiding chair a number of times, I have heard Senator DORGAN. Even when I don't fully agree with him, no one is more persuasive in arguing his case.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

TRIBUTES TO RETIRING SENATORS

ROBERT BENNETT

Mr. REID. Mr. President, I am sorry I was tied up in other matters today and not able to hear speeches of some of our Senators who are departing. I will have more to say at a later time. I did want to say on two of the Senators, I watched some of their remarks.

Senator BENNETT from Utah is a very dear friend of mine. We have traveled around as Members of the Senate, visiting places all over the world. His wife Joyce is an accomplished artist. She is a flutist. She is well known here and in Utah. Senator BENNETT is a very courageous man. What a disappointment he was not reelected. I am not usually giving speeches for my Republican colleagues, but it is a real loss to the country that Senator BENNETT will not return to the Senate. He is a very courageous man. He represents the ideals of the State of Utah. He is a very devout member of his church. He is a person who calls his political issues the way he sees them. His having been criticized for supporting his President, a Republican President, on the Toxic Asset Relief Program is unfair. This was one of the most important issues we faced in ages in this country, and I think the proof is in the pudding. Of the hundreds of billions of dollars—almost \$1 trillion—that were put out for that fund, all but \$25 billion is paid back and most of the economists say we will get more than that back from some of the things that were invested in.

I admire the public service of Senator BENNETT. It has been outstanding. It meets the accomplishments of his father who also served very well in the U.S. Senate. I am going to miss him a great deal. What a wonderful human being. He is an author. He has in the past been a very successful businessman, and I think one of the most accomplished legislators I have had the pleasure to deal with.

BYRON DORGAN

BYRON DORGAN from North Dakota is such a fine person. He for many years has had the same job I had under Senator Daschle, the head of the Democratic Policy Committee, and he rendered valuable service to the caucus, to the Senate, and the whole country in his capacity there. We served together in the House of Representatives. We have traveled together. His wife Kim is such a fine human being. I am going to miss BYRON. He is and has been one of my close advisers, close friends. I hope I am not being boastful here, but I don't think Tom Daschle had two bet-

ter friends in the Senate than DORGAN and REID. We were very close to him. We admired our friend Tom Daschle and did everything we could to make his life here as pleasant as possible.

As far as being a good speaker, he is very good. He has a unique way of communicating that very few people I have known have had. He is someone who, as far as the finances of this country and the world, is without peer as a legislator. He knows it all, and he has a way of articulating his views that is unique and I think very powerful. So I am going to miss BYRON DORGAN very much. He is a wonderful human being. I care a great deal about him. I have watched his son and daughter grow up. They are in college now. I remember them when they were little kids. In fact, my son Key, who was a fine athlete at the University of Virginia, when he was playing on those national champion soccer teams at the University of Virginia, gave BYRON's son Brendon a few soccer lessons. So I am grateful for the friendship of Senator BENNETT and Senator DORGAN.

JIM BUNNING

Senator BUNNING, I of course admire because of his great athletic skills. He is a member of the Baseball Hall of Fame. To think I have had the opportunity to serve in the Senate with one of the great pitchers of all time. I love talking to JIM BUNNING about his baseball days. Some of the stories he has told I have repeated many times and I will never forget them. One of the things he said that I have repeated on a number of occasions—JIM BUNNING was a great pitcher, an All-Star with no-hitters in both leagues. But he has some humility, because he said there was Sandy Koufax and there was the rest of us. He and I don't vote often the same way, but he is a man who has a strong opinion, and I am going to miss JIM BUNNING and the ability for me to talk to him about his athletic feats. I certainly wish him well in whatever his endeavors may be in the future.

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

Mr. REID. Mr. President, discrimination has never served America very well. When it applies to those who serve America in the Armed Forces, it is both disgraceful and counterproductive.

The theory behind don't ask, don't tell is a thing that happened way in the past. The theory behind this should be a thing of the past, and we should put the policy behind us. It is obsolete, it is embarrassing, and it weakens our military and offends the very values we ask our troops to defend. We need to match our policy with our principle and finally say that in the United States, everyone who steps up to serve our country should be welcomed. That is the only argument that is right and it should be enough.

That is not the only reason we should repeal it. Repealing it will make our military stronger. It doesn't make America safer to discharge troops with critically needed skills, and that is exactly what has happened. This policy is responsible for the discharge of about 14,000 highly qualified service men and women—people whom we have spent millions of dollars training—and we never will know how many wanted to sign up but stayed away because of don't ask, don't tell. It doesn't make us stronger to limit military readiness of an all-volunteer force. Don't ask, don't tell doesn't help morale; it hurts morale.

The other side may feel passionately that our military should sanction discrimination based on sexual orientation, but they are clearly in the minority and they have run out of excuses. The Chairman of the Joint Chiefs of Staff supports repealing it. So does the Secretary of Defense. The vast majority of the military say that it would not oppose repeal. The majority of Americans support repealing it too. There is simply no evidence and no justification—legal, military, or otherwise—for keeping this policy in place. There is no reason to keep America's citizens from fighting for a country they love because of whom they love.

The next Speaker of the House has asked why we would get into this debate. He said, Why should we get into this debate during a time of two wars and ongoing security concerns? I think wartime is exactly the right time to do everything we can to strengthen our military. It couldn't be a better time.

What opponents of don't ask, don't tell don't want to ask is what this policy tells us about equality between our principle and our practice. We can no longer ask our troops to die for a flag that represents justice and ask them to be false to themselves while they do it.

The other side knows it doesn't have the votes to take this repeal out of the Defense Authorization Act, so they have been holding up this bill for a long time—for months. And the latest—the Chair certainly has known about it—is a letter from 42 Senators in a further effort to stall this legislation, saying we have to finish the tax bill and we have to finish the spending bill before you can do anything of a legislative nature. What kind of sense is that, when we are so crammed with things to do? With all the things we have to do, why would they do that, other than simply trying to avoid it, and they have been doing it for a long time. We tried every possible way to move forward. When they refuse to debate it, they also hold up the other good and important, urgently needed parts of the bill. It is not only don't ask, don't tell.

The bill before us contains an across-the-board pay raise for all of the members of the military. More than that, we authorized over 35 different bonuses and special pay incentives that our troops depend on to make ends meet.

Let me be clear: Failure to pass this bill means our troops will lose these benefits.

The chairman of the Armed Services Committee was on the floor today saying if we don't do it today, we can't do it. In fact, everyone knows they have stalled this so long, they have stalled this so long that meeting cloture—the average time for a conference committee on this bill is 70 days—70 days; not 7, 70 days.

The bill also contains provisions that would expand health care for troops and their families and significantly enhance mental health care for service-members returning from Iraq and Afghanistan. It would fund critical troop protection needs such as MRAPs and up-armored humvees, which are desperately needed on the battlefield. It would support critical missions in Afghanistan, including expanding intelligence collection efforts, disrupting Taliban finances, and building the Afghan National Army so that Afghanistan can take responsibility for its own security. These are not minor or unimportant issues. These are life-and-death matters for real Americans risking their lives for us, for our defense. We ask our troops to trust us and fight for us and be brave enough to stand in the line of fire. When we send our troops into battle, we do so because we believe strongly that we stand on the right side of history. We have to believe that, because we know the consequences of war and the terrible burdens it carries.

Not far from here—I hope the Presiding Officer has the opportunity to see this during his tenure here in the Senate—is the Congressional Cemetery. It is worth going and seeing. It is 2 miles southeast of where we stand right now on the banks of the Anacostia River. It is a final resting place of veterans of every war this Nation has ever fought. It is not Arlington. It is the Congressional Cemetery. It is also where 19 U.S. Senators, more than 70 Congressmen, a former Speaker of the House, and a former Vice President are buried. One tombstone there belongs to an Air Force sergeant who fought in Vietnam. He became famous shortly after that war ended when he tried to be in the military and out of the closet at the same time.

He lost that fight. His tombstone at Congressional Cemetery reads as follows:

When I was in the military, they gave me a medal for killing two men and a discharge for loving one.

America is better than that. When it comes to equality in the military, we know which side is the right side of history. The only question is whether we are brave enough to stand there.

In a few moments, I will move to reconsider the motion to proceed to this bill. This legislation is critical for our troops, and it is unconscionable to leave here without passing it. I bent over backward to find a way to get this bill done. It is clear that Republicans—

a few of them—don't want to vote on repealing don't ask, don't tell. They are all doing what they can to stand in the way of the bill. They want to block a vote on this issue at all costs, even if it means we do not pass the Defense authorization bill for the first time in 48 years, even if it means our troops don't get the funding and protections they need.

What we have gone through to try to get this bill on the floor reminds me of a story—it is not a story; it is an experience I had as a boy. I don't know how old I was. Let's say I was about 11. As everyone knows now, I was born in a little town on the southeastern tip of Nevada. I never traveled anyplace. I was a teenager before I went to Needles, CA, which was about 50 miles from Searchlight.

My brother, 10 years older than I, got out of high school and got a job in Ash Fork, AZ, working for Standard stations. It was a big deal that he was going to take his little brother there to spend a week. I was excited. It was wonderful. Ash Fork was quite a ways from Searchlight—a couple hundred miles. But the reason I am telling you this story is that my brother was busy after work with his girlfriend—more so than with his little brother—so he palmed me off a lot of the time on his girlfriend's brother, who was a little bit older than I. There wasn't a thing in the world her little brother could do as well as I could. In all the games we would play, do you know something? I never won a single game. Why? Because he kept changing the rules during the game. It didn't matter what the game was, he kept changing the rules. So I was always the loser.

Well, that is what is happening here on this bill. It doesn't matter what I do; before we get to the end of it, they change the rules again. How about four amendments—two on each side? No. Anyway, we have gone through all these different iterations and everything. No, we can't do it.

I have already tried to bring this bill to the floor twice this year. In fact, I offered to bring it up this summer, with no restrictions, but the Republicans refused this request. It is just like I talked about my trip to Ash Fork, AZ, where I could not win because the rules kept being changed—because my friends on the other side of the aisle blocked both of these attempts. Now we are trying to get this bill done in a lameduck session when everybody knows we have so much to do and we don't have time for unlimited debate. Some of the requests have been really unusual. Seven days of debate. Think about that. Seven days of debate in a lameduck session. I have tried my best to find a way forward that would ensure a fair and reasonable opportunity for colleagues on the other side to offer and vote on amendments.

Over the last 20 years, we have had rollcall votes on an average of 12 amendments during consideration of the Defense authorization bill. So in an

effort to be as fair as possible, I have made it clear to my colleagues that I am willing to vote on 15 relevant amendments, 10 from the Republicans and 5 from the Democratic side—some Democrats don't like that, but we would do it—with ample time for debate on each amendment, but we never can get enough time. We started out with an hour, but that is not enough. My colleagues on this side of the aisle are demanding even more time—time they know is not available. There are not enough days in this calendar year to do what the minority is asking, and they know this. They want the tax and the spending bills done first, as we have talked about. At the same time they say we need to wait, they say they need as much time as possible to consider the bill. It is impossible to do both. It is illogical and unreasonable. It is quite clear that they are trying to run out the clock. Senator LEVIN said here this morning that they probably would have done it anyway. That is too bad.

I want to be clear that my remarks should in no way be taken as a criticism of my colleague from Maine, Senator COLLINS. Quite the contrary. She has tried. I have respect for her, and I have worked with her as the only Republican on a number of occasions—and two or three others on occasion—to try to move forward on many of the Nation's top priorities. I believe she has been doing her very best. But for her I would not have been able to get any of these arrangements that they turned down. At the same time, members of her caucus are working equally as hard to defeat this measure at all costs.

In my effort to get this done, I don't know how I could have been more reasonable. Despite the critical importance for our troops, for our Nation, and for justice that we get this bill done, we have not been able to reach an agreement. I regret that our troops will pay the price for our inability.

I now move to reconsider the vote that has previously been made on this matter.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President—

Mr. REID. It is nondebatable. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

The PRESIDING OFFICER. Is there objection? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. COLLINS. Mr. President, if I could ask the majority leader a question through the Chair.

Unfortunately, I was not able to hear the majority leader's speech, for which I apologize. I was in a meeting, and as soon as I found out he was speaking, I rushed to the floor. I want to make sure, since this is an important bill and an important issue, that I understand precisely what it is the majority leader is proposing. So I ask through the Chair whether the majority leader is proposing a procedure where there would be no amendments and the tree would be filled or whether the majority leader is proposing an agreement that he and I and Senator LIEBERMAN discussed yesterday, which would have allowed for 15 amendments, 10 on the Republican side and 5 on the Democratic side. Again, if the majority leader explained this and I missed it, I apologize. I received conflicting information about how the majority leader intends to proceed on this important bill.

I note that we have been in quorum calls for hours during which we could have proceeded to the tax bill and started working on it, and we could be working this weekend as well.

But I would very much appreciate hearing from the majority leader exactly what his intent is.

Mr. REID. Mr. President, I hope my friend heard the nice things I said about her in my statement.

Ms. COLLINS. Unfortunately, I missed those as well.

Mr. REID. They were pretty good. I want to be very candid with my friend. In an effort to do the things the Senator from Maine and I talked about with Senator LIEBERMAN on a number of occasions, including yesterday and the day before, all of those require filling the tree, every one of them. That is just the way it is. The only way we can have some control over amendments is to do it that way.

The answer to my friend's question—would I fill the tree—the answer is yes.

Ms. COLLINS. Mr. President, if I could pose a further question to the majority leader through the Chair, I understand what the majority leader is saying, but as he discussed his plan with me, he would, in fact, allow 15 amendments—10 to be offered on the Republican side that would be amendments of the Republican side's choice as long as they were relevant to the bill—and he would ensure that there would be votes on those amendments. So I am confused when I hear he is going to fill the tree because that implies to me that he would not be allowing those 15 amendments we discussed—10 on our side, of our choice, as long as they were relevant to the bill. So I am truly trying to find out what the agreement is.

Mr. REID. The agreement is that I have made a number of different offers and have made other suggestions. In direct answer to the Senator's question, we have to fill the tree, of course. We have to work through the amendments. I tried to come up with some agreement on amendments and time and what some of the amendments would

be. That is how we always do things here.

I will also say this: I have had kind of a hard thing to work through because all I have worked on in the last few weeks has been with the overhanging problem of not—42 Republicans, in a letter, have said: You are not going to do anything legislatively. Mr. President, they have proved that they are not allowing us to do anything legislatively. Certainly, this is a legislative matter.

I think I have been as clear as I can be. I, of course, would be willing to work on the amendment process with my friend. But as far as agreeing to something right now, I cannot do that.

Ms. COLLINS. Mr. President, it seems evident to me that, unfortunately, the majority leader is not pursuing the path we discussed, or at least that is my interpretation of what he is saying. I think that is so unfortunate.

I want to vote to proceed to this bill.

I was the first Republican to announce my support for the carefully constructed language in the Armed Services Committee that would repeal don't ask, don't tell. But that is not all that is in this bill. This is an enormously important bill to our troops in Afghanistan and Iraq. It authorizes a pay raise that is important to my home State. It is a vitally important bill.

I just do not understand why we can't proceed along a path that will bring us to success and that will allow us to get the 60 votes to proceed, which I am willing to be one of those 60 votes. I thought we were extremely close to getting a reasonable agreement yesterday that would allow us to proceed. I was even willing to consider a proposal by the majority leader that we would start the DOD bill and then go to the tax bill, finish the tax bill, and then return to finish the DOD bill. I think there is such a clear path for us to be able to get this bill done, and I am perplexed and frustrated that this important bill is going to become a victim of politics. We should be able to do better.

Senator LIEBERMAN and I have been bargaining in good faith with the majority leader. He, too, has been creative in his approaches.

So I just want to say that I am perplexed as to what has happened and why we are not going forward in a constructive way that would lead to success.

Mr. REID. Mr. President, as I stated in my remarks earlier, this is not any kind of a legislative wrangle I am having with my friend from Maine. She has been the only person I could talk to about this legislation. I appreciate her time and efforts. But the only way we can do this—and we do it all the time—is I fill the tree and we will try to work through the amendments with some agreement after that is done. This has been taking months to do—months. The time has come, as Senator LEVIN said, to stop playing around.

Mr. President, I simply make the following request: I ask upon reconsideration, cloture is invoked—the reason I

do this, we can get to where I want to go. It takes three votes. We can do it with three votes or one vote. Upon reconsideration, cloture is invoked on the motion to proceed. Then the Senate can proceed to the bill and would be able to enter into an orderly process for consideration of the bill, allowing different amendments. We have already been through that. There is no need to go through that number. But we have talked about 15–5 from us, the Democrats.

So I make my request. I ask unanimous consent that the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3454 be agreed to, the motion to reconsider be agreed to, and the Senate now vote on the motion to invoke cloture on the motion to proceed to S. 3454, upon reconsideration.

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. 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, did the Chair rule on my request?

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read 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 L. Dorgan, Jeanne Shaheen, Frank R. Lautenberg, Sheldon Whitehouse, Benjamin L. Cardin, Roland W. Burris, Jim Webb, Daniel K. Akaka, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3454, the Department of Defense authorization bill, 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. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “nay.”

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

The yeas and nays resulted—yeas 57, nays 40, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—57

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

NAYS—40

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

NOT VOTING—3

Brownback	Cornyn	Lincoln
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The PRESIDING OFFICER. On this vote the yeas are 57, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

VOTE EXPLANATION

Mrs. LINCOLN. Madam President, I wish to note that on the last vote, vote No. 270, due to circumstances way beyond my control, I was unable to be here and wish to be recorded or considered as having voted on the reconsideration of the motion to proceed to S. 3454. I wish to be considered—I wish to have been recorded as voting “yes.”

Apparently, I cannot be recorded, and I understand that. I just wanted to make note that had I been here I would have voted “yes.”

The PRESIDING OFFICER. The RECORD will so note.

Mrs. LINCOLN. Great. Thank you, Madam President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS CONSENT REQUEST— S. 3463

Mr. LEAHY. Madam President, I have alerted the other side I am about to make a unanimous consent request on an important piece of legislation. Unfortunately, in the last couple of years we have gotten into this habit of: Nobody wants to vote yes or no, they want to vote maybe. It is easier to block things from even being considered.

Frankly, in my State of Vermont people expect if they elect you to the Senate that you have the courage to vote yes or no, but not maybe.

We just saw another example of this. We cannot even get a yes-or-no vote on Defense authorization at a time when our Nation is in two wars. We cannot get a yes-or-no vote; we get a maybe.

I find it frustrating. Over and over we have done it today. People are prepared to vote yes or no, but the other side says, no; it is easier to vote maybe. Then you never have to explain anything.

We all know what has happened in the Deepwater Horizon BP spill. A number of brave families' members were lost. I would note for the sake of the Senate, if they had been building the Deepwater Horizon drilling platform, and they were assembling it on land and something was negligently done and someone lost their life, they could recover for the value of the life. Because of a quirk in the law, because it happened at sea, even though it may have been caused by the same thing, these people—their lives are almost valueless. There is a way to fix them. We have drawn, after months of negotiation, a very tightly put together piece of legislation that will only affect the families of the 11 hard-working men who died when the Deepwater Horizon was destroyed. I am going to make this so we can vote yes or no and not maybe.

I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be discharged from further consideration of the Survivors Equality Act, S. 3463; that the Senate proceed to its immediate consideration; the Rockefeller-Leahy amendment that is at the desk be adopted; the bill, as amended, then be read a third time and passed; the motions to reconsider be laid upon the table; and all statements and the text of the amendment that has been hotlined for more than a week be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, this is a nation of laws not of men. It destroys that whole foundation of our legal system when we make retroactive law. This bill has not been vetted properly by a committee. Again, it undermines our whole system of the rule of law. So I am compelled to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Madam President, of course, this bill has been given an enormous amount of scrutiny by both Republicans and Democrats. Six months ago, I introduced the Survivors Equality Act, S. 3463, with Senator DURBIN and Senator WHITEHOUSE, to help the families of those who die on the high seas. In fact, the day of the hearing, we had Michelle Jones, pictured here, in our mind when we held that hearing.