$145 million and then we spend $140 million, we can go around and say: We reduced the deficit by $5 million. But I asked Senator WARNER and other colleagues have they researched this budget of ours to seek to find an additional $140 million? If we are going to raise the duck stamp by $140 million, if we are going to raise it by that amount, why wouldn't we reduce the deficit by $140 million instead of just $5 million? Those are the decisions families and small businesses make when they deal with these challenges in their budgets. They are required to make choices. One thing this Congress seems to always want to avoid is making choices. Since they can find nothing else in the entire Federal budget that would pay for this bill, this sportsmen's bill, it would indicate to me it is not a very high priority.

But the truth is that is not exactly true. The truth is, they never looked to find anything else they could cut that is wasteful or duplicative. In fact, there are over $900 million in existing wetlands conservation programs today. Nobody has sought to examine those programs to see if they could be more efficiently run and probably it would free up that much money right there.

I know the pressures. I know how this system works, but the people who drafted the Budget Control Act were aware of how Congress likes to spend. They specifically intended not to allow us to spend more by taxing more. They set explicit levels on how much we could spend. Therefore, this bill violates those spending levels, even though it has taxes there, and, as a result, it violates the budget and should not pass in its present form.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

THE DREAM ACT

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Alabama, as well as a number of my other colleagues who I think have disproved, at least for this afternoon, one of the remarks made by the Senator from Illinois, which is that the cable viewers who subscribe to C–SPAN may not be getting their money's worth. I think the very spirited remarks made by my colleague from Alabama, even as I disagree with them, are a very well-stated point of view that deserves to be considered.

I am honored also to follow the majority leader and the Senator from Illinois and the Senator from Virginia in the remarks they made about the need to change the filibuster rules, and I wish to associate myself strongly with them. From the very first days I have been a Member of this body, I have strongly believed the filibuster needs to be ended or at least greatly modified so as to permit the business of this great Chamber to go forward. I believe the new Members who have come here have heard that message loud and clear from the American people and that they will vote—a majority of them—to change those rules. Because all of us know, having been home for a while, the American people believe strongly that we need to do better, we need to do more, we need to address the problems of this country through majority rule, not by 60-vote rule but majority rule, at least at the beginning of the process, as the majority leader has suggested, not by violating the rules but by following the rules to change and improve those rules. So I will vote to support the majority leader's proposals in that regard.

One of the measures that has been stymied, as the Senator from Illinois very eloquently said, is the DREAM Act. I have been a strong supporter and thank him for his leadership on the DREAM Act over many years. A number of times I have come to the floor to share stories, specific personal stories about those DREAMers whose lives would be changed and who would so greatly enhance the life of this Nation if the DREAM Act were passed. I am here again to share the story of another DREAMer from Connecticut and to urge my colleagues to act on this measure.

Of course, this measure should be part of comprehensive immigration reform. I have believed since I arrived 2 years ago that immigration reform ought to be a priority. I am gratified and grateful that the President seems now to be moving in that direction and that many in this body share that view. In fact, I asked to be assigned to the Judiciary Committee's Subcommittee on Immigration so I could be a part of this debate, and I hope I will join leaders in this effort, such as Senator SCHUMER and Senator MENENDEZ, in proposals to repair a broken system. Clearly, our immigration system is in dire need of reform, comprehensive reform that will include the DREAM Act.

I have met and I have seen and experienced firsthand the stories of these DREAMers that make the case so compellingly for the DREAM Act to enable them to earn their citizenship and continue contributing to the greatest Nation in the history of the world, America.

As we return from Thanksgiving, having expressed our gratitude for our families, for our communities, for our country, what better time to address this measure for people who appreciate, maybe more than most of us, the importance and value of citizenship.

For more than a decade, Senator DURBIN has championed this measure, and I am honored to work with him in this effort. As attorney general, I advocated it at the State level. But, obviously, only the Federal Government can change the laws relating to citizenship.

The DREAM Act would give young, undocumented immigrants, brought to this country as infants or young children, through no choice of their own, a chance to earn their citizenship through education or military service. The young people who would benefit from the DREAM Act identify as Americans. This Nation is the only one they have ever known. English is often the only language they know. Their friends here are the only friends they have. It would give them a clear path to immigration status, as well as citizenship.

The DREAM Act would give these young people a chance to earn citizenship but only if they meet several requirements. First, they must have come here as children. They have to demonstrate good moral character. They have to have graduated from high school. They must have completed 2 years of college or military service. Then, having met those requirements, they can apply for legal permanent residency and pursue a path to citizenship.

The DREAM Act would enable thousands of young people in Connecticut—about 2 million across the country—to leave the shadows, to leave the shadows of fear, of deportation from their homes and their communities, a fear that haunts them and forces them to put their careers and their education on hold, to the detriment of them and our Nation because they have so much to contribute and to give back to their communities and our country.

They are well educated and ambitious, and they could enhance and expand our society, our economy, our democracy if they are given the chance to fulfill their potential. All they want, all they ask is the opportunity to stay in this country and to earn citizenship in the place they call home, proudly.

Two million immigrants nationwide would benefit from this act. Mr. President, 11,000 to 20,000 DREAMers are living in Connecticut, and one of them is Solanlly Canas.

She was born in Colombia and she is here with us in this photograph. She was brought to America when she was 12 years old, living now in East Haven where she has attended school. She is in her senior year of high school where she has thrived as a member of the Honor Society, the Executive Board of the Student Council, and president of the Interact Club, the National Honor Society.

She has dreams and goals for the future. She is proud of being a great student contributing to the life of her school, and she hopes to study psychology some day. She wants to go to college. But her life is in danger of being on hold because of her undocumented status. On June 15 of this year, Solanlly encountered the great hope that maybe all of her hard work would be worth it, because on that date, the Obama administration announced a new policy that deferred action for childhood arrivals that gave her a temporary reprieve for relief from deportation. It extended for 2 years that relief. She would qualify, because those who

have been in this country, continuously residing here for 5 years, brought here as children, not convicted of a felony or significant misdemeanor, currently in school or graduating from high school or honorably discharged as a veteran, all would be eligible to apply.

But eligibility is all they receive. All they would gain if granted this status is a temporary reprieve, forcing them again to risk, at the end of that reprieve, the potential for deportation and aggravating the possible fear by their having to declare their undocumented status. Her fate, far from being unusual, I have shown to be common to a number of individuals whom I have specifically mentioned on the floor.

Miller Gomes, for example—I am going to have his picture be shown here—brought to this country from Brazil at 5 years old. He attended Bridgeport public schools and Fairfield University where he graduated summa cum laude, and then the University of California-Berkeley where he is now enrolled in a Ph.D. program, a Ph.D. program in chemistry. What does this country need if not more scientists? We say so every day on this floor. Here is a scientist who could contribute greatly, now in fear of deportation simply because he was brought here at 5 years old and he is undocumented to this day.

Zuly Molina, who came here from Mexico, brought here at 6 years old. By the way, she had to walk across desert-like, barren country for 15 days. She was then put in the trunk of a car—6 years old. Living in New Britain. She was so fearful of her status that she declined to go to college in Connecticut. Instead she went to Massachusetts at Bay Path College where right now she is pursuing a master's in occupational therapy, a health care worker. At a time when we on this floor talk about the need for health care skilled training, we have here someone who could provide exactly that kind of contribution.

Finally, I have talked about Yusmerith Caguao, brought here from Venezuela when she was 11 years old. She went to Norwalk schools, and graduated from Norwalk Community College. She worked her way through Norwalk Community College as a waitress, as a babysitter, as an employee at a pet store. Now she is at Western Connecticut State University pursuing a combined degree in finance and accounting.

For these DREAMers, a path to citizenship, beginning with legal status, is essential to their peace of mind but also to their continuing to accomplish academically and professionally what is their great potential, to give to their country the promise and fulfillment of that potential that this country so dearly needs. We have the opportunity to provide them with a pathway to citizenship. Hopefully it would be part of comprehensive reform. But even as a stand-alone measure it merits approval. And as the Senator from Illinois said so well, it was blocked by the requirement for a 60-vote threshold. A majority voted in favor of it during this Congress. I ask my colleagues to give it the 60-vote threshold that it needs to pass for the sake of these DREAMers and for the sake of our country.

(The remarks of Mr. BLUMENTHAL pertaining to the introduction of S. 3636 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BLUMENTHAL. 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 (Mr. MANCHIN). The Senator from Montana.

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

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

THE SPORTSMEN'S ACT

Mr. TESTER. Mr. President, I rise to speak on the bill that is going to be dealt with here at the bottom of the hour, S. 3525, the sportsmen's package. This is a landmark bill. It includes ideas from members of both parties and from both Chambers. Over 50 national sports and conservation organizations support this bill, ranging from the Nature Conservancy to the NRA. Some 20 provisions included in this bill will help expand access to public lands, support additional habitat conservation, and preserve the hunting and fishing rights millions of Americans cherish. There has been much discussion about this bill, with many people weighing in. The fact is that this is a responsible bipartisan bill that will reduce the deficit by $5 million while expanding hunting and fishing opportunities for millions of Americans.

I appreciate the perspective of the ranking member of the Budget Committee on the issue of whether to raise a point of order. I know he has to defend the Budget Act. However, the reality is this: This bill reduces the debt by $5 million over 10 years. Those aren't my figures; those are the figures of the Congressional Budget Office. Unfortunately, a vote to sustain the point of order made by Senator SESSIONS is a vote to kill this important bipartisan legislation. We have had plenty of partisanship already here today on the Senate floor. I think it is time to do something in a bipartisan fashion and do something that is good for some 90 million Americans who consider themselves hunters and anglers.

I urge my colleagues to waive the budget point of order and then approve this important bill.

Mrs. BOXER. Mr. President, I appreciate Senator TESTER's leadership in putting together legislation, S. 3525, to address the priorities of sportsmen across the country.

This bill has many important provisions that I support, including reauthorization of highly successful conservation programs in the Environment and Public Works Committee's jurisdiction, which I chair. These programs restore critical wetlands, support partnerships to conserve wildlife habitat, and promote outdoor recreation.

While I appreciate Senator TESTER's efforts to move this legislation forward, I remain deeply concerned about two provisions included in this package, which I will discuss today. S. 3525 broadens an exemption that prohibits the use of the Federal Toxic Substances Control Act to address public health and environmental threats from dangerous chemicals, including lead, in ammunition and fishing tackle.

Some ammunition and fishing tackle contain lead that can be harmful to people who consume meat contaminated with lead shot. In 2008, Minnesota examined packages of venison and found that 22 percent contained lead fragments. North Dakota has also found lead fragments in venison being distributed for food.

The latest science shows that there is no known safe level of lead in children's blood. Because lead can damage the nervous system, including the brain, children and pregnant women are especially at risk.

Animals can also be poisoned or die after eating ammunition that is shot into lakes, rivers and upland areas, or when they consume the carcass of another animal that contains spent ammunition. In 2008, an expert at the U.S. Geological Survey stated:

> Science is replete with evidence that ingestion of spent ammunition and fishing tackle can kill birds. The magnitude of poisoning in some species such as waterfowl, eagles, California condors, swans and loons, is daunting.

There are safe and effective alternatives, such as steel, to the use of lead in shot and fishing tackle. According to the State of Wisconsin:

> Steel shot actually arrives on target in a tighter pattern . . . (and) penetrates game better than lead . . . Extensive research, testing steel and other non-toxic shot, shows it to be both safe and effective.

The Federal Government must be able to use all of the tools at its disposal to protect American families from consuming contaminated food. Therefore, we should not create unneeded exemptions that apply to lead and an unknown number of other contaminants.

I also oppose the provision in S. 3525 that would allow sport-hunted polar bear trophies to be imported from Canada. This misguided provision could jeopardize recovery efforts for a species that is listed as threatened under the Endangered Species Act, ESA, and protected under the Marine Mammal Protection Act, MMPA.

Before polar bears received their protected status under the ESA and MMPA, there were extensive warnings for over a year that this protection was imminent. Nevertheless, a small group of trophy hunters ignored these warnings and went forward scheduling new

hunts, and they are now seeking an exception to allow their polar bear trophies to be imported into the United States.

The International Union for Conservation of Nature estimates that approximately 20,000 to 25,000 polar bears remain in the wild. Their survival is severely jeopardized by many factors, and we should not provide a loophole that encourages hunting of this vulnerable species. Maintaining full, consistent protections for polar bears is critical to the health of the Arctic ecosystem, the Native communities who legally harvest these bears for subsistence purposes, and for the public at large that is working to save this iconic animal.

I believe this bill has many good provisions that will help preserve America's treasured natural resources, protect fish and wildlife, and provide recreational opportunities for our families. Unfortunately, the bill also includes two provisions that threaten public health and could set back wildlife conservation efforts. I filed amendments to S. 3525 that would address these concerns, but if the amendments are not adopted and the bill remains unchanged, I will oppose S. 3525 in its current form.

Mr. President, 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. 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 will be raising a budget point of order against this legislation. But I do want to thank my colleague, Senator TESTER, for his hard work and the efforts of a lot of people to put this legislation together. I would hope my colleagues would listen to why I think it is important this bill—with a lot of good points in it, which I favor strongly—needs to be sent back and fixed.

The reason is this: The bill violates the Budget Control Act that we passed August a year ago. That has been certified by Senator CONRAD, the chairman of the Budget Committee, and his staff. It plainly, as often is the problem, spends more than the Budget Control Act allows to be spent. Chairman CONRAD, as I said, has agreed with that assessment.

No. 2, now this is the fourth bill brought before this Senate by the majority leader in the last 15 months that violates the budget. It is the fourth time. This is a time in which our country has never faced a more serious systemic budget crisis. We are on an unsustainable course. We know that. One of the things we need to do is figure out a way to constrain ourselves, and the Budget Control Act was a step in that direction.

To raise the debt limit in August 2011—we had borrowed all the money we could borrow, and to raise the debt ceiling, the debt limit, the Budget Control Act was passed. It limited spending, and that was all part of the deal to raise the debt ceiling.

These violations of the Budget Control Act lower respect for the Senate by the American people. It hurts our Nation because it impacts our debt situation and our spending, and it cannot be justified. It should not happen. We can avoid this.

I disagree with Senator TESTER on this point. Of course, sustaining the budget point of order will not kill this bill unless in some manner of pique Senator REID were to say: I am not going to bring it up if you do not pass it just like I said it ought to be passed and you will not waive the budget and just violate the budget and do it like I said. I do not think Senator REID will do that. Surely, he will not do that.

So what would happen is it would go back to committee, and Senator REID would review it and see what we could do to fix it, which will be easy compared to some of the difficult problems we have around here. The need would simply be to find $14 million a year. I have suggested a number of ways already, but those have not been used. If we would think about it this way, we are talking about finding savings somewhere in this monumental government of $14 million when we plan to spend $370,000 million this year. By Alabama standards that is a lot of money.

Another problem: The bill is subject to a House blue slip. Under the Congressional Budget Office analysis and the President's own Office of Management and Budget in the White House, the duck stamp is a tax. It simply is a tax. People can say it is not a tax. It is a tax. They have defined it as a tax. We do not have the ability to redefine the meaning of words around here, and a tax cannot originate in the Senate. So the House, as it is presently written, is likely to object and will object to this, I am certain.

Another easily fixed problem in the bill is this: The Environment and Public Works Committee brought up the legislation. The question of whether the duck stamp tax should be set by law, by Congress, or be given to a member of the President's staff to set at whatever level he wants was discussed. Senator BOXER agreed with those who shared the view that we should not be delegating to an unelected Cabinet person the power to set taxes in the United States of America. He can set the duck stamp under this bill at any level he wants to set it at. That is not good.

This is a constitutional issue. I feel strongly about it. Congress must never cede its power to tax to a single person not even accountable or any other entity, the U.N. or any other entity. The Constitution gives Congress the power to tax and only the Congress the power to tax. That can easily be fixed. There is not a problem here.

It has been argued that the point of order is only technical. Do not worry about this point of order. It is only technical because the new spending in it is paid for. How? By tax increases. So the Budget Control Act drafters, 15 months ago, and the budget rules of this Senate understand this argument. This is not a new argument. They knew this kind of gimmick would come up under the Budget Control Act, and they prohibited it. They understood it, and that is why they prohibited it.

Under the Budget Control Act, a spending limit is a spending limit. I know Senator REID seems to think if he raises taxes he can spend more, and he does not have to pay attention to the Budget Control Act he supported and the President signed and negotiated 15 months ago. He does not have to do that because he has paid for it, he thinks, by raising taxes. But the truth is the Budget Control Act does not deal with taxes. It deals with spending, and it prohibits more spending than the amount above the EPW allocations.

I note my friend, Senator TESTER, and my friend, Senator WARNER, earlier—they are fine Senators—said there is no problem. OK. There is no problem, SESSIONS. It reduces the deficit by $5 million over 10 years. We should not worry. So you say: OK, SESSIONS, why are you complaining? You are worried about the deficit. It reduces the deficit by $5 million. CBO says that. That may be the case. I think it is the case. But what is the answer to that charge? The answer to it is simply this: This legislation, as it is now written—and can be changed—raises taxes $145 million and spends $140 million, and they pat themselves on the back and say: We pay down the deficit $5 million. Give me a break.

Think about this, though: If the spending limit of the Budget Control Act were complied with, we would not have a $5 million reduction in the deficit. We would have a $145 million reduction in the deficit at least. We would have $145 million in deficit reduction instead of $5 million. So let's ask: Has anyone looked around to see if there is any spending that can be reduced to pay for this? The Interior Appropriations bill spends $29 billion a year. We cannot find $14 million?

Well, the answer is, nobody has looked to save any money to pay for this bill. Nobody, really.

Well, why not? Because it asks the Members of the House and the Senate—the Congress—to choose, make priority settings, and that is hard. We do not want to do hard things. There are over $900 million spent in wetlands programs like that in the bill that advance duck causes and hunting and so forth, according to the Congressional Research Service. Has anybody ever looked to see if that multiplicity of programs might be consolidated and save, out of $900 million, maybe $14 million right there? Plus, any other spending in this government could be utilized to keep within the spending limits and not violate it.

But the fact is the Budget Control Act said we must choose. If we want to

have a new program in one of our areas of the government, fine and dandy, but we have to do it within the limit of spending we have agreed to. This bill does not do that. Under this rationale, we would have to assume, would we not, that the needs of this bill are so little that there is not a single other program in America, not a single one, that is less valuable. Therefore, the only way we can proceed with this bill is to raise taxes, raise revenue. That is just simply not correct. We know better than that.

There is no reason these problems cannot be fixed. Slowing down, complying with the Budget Control Act, not delegating to an unelected Cabinet Member the power to raise taxes, not violating with a blue slip by commencing a revenue bill in the Senate, is not hard to deal with.

So I say to Senator TESTER: Thank you for your work. I am not sure the way this was done precisely was something you suggested. I believe we can work this out. I have made some suggestions. I am open to a lot of suggestions, but I will just say to my colleagues, I will continue to object to any bill brought before this Congress that violates the solemn agreement we made 15 months ago in the Budget Control Act. And this one does. Senator CONRAD has verified that. If my colleagues will adhere to the limits of spending that we agreed to 15 months ago by supporting this budget point of order, this popular bill, with a lot of good values in it, will be quickly fixed and passed—there is just no other way to see it—and in the future, committees and Senator REID, perhaps, will stop sending budget busters to the floor of the Senate.

Mr. President, I was going to make the budget point of order at this point, but I see Senator TESTER. I do not know if he wants to speak. Let me say again how much I appreciate the hard work Senator TESTER has put into this. He is a friend. I know he has worked hard, and I hate to cause him heartburn at this point in time, but I really would say I have raised this budget point of order on other bills and it is not that I am complaining particularly about his. His, in fact, will be a lot easier to fix than some of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the ranking member of the Budget Committee for his comments.

Look, folks, this is a bill about habitat. It is a bill about access. It is a bill about opportunity for people who enjoy our outdoors in this country. The outdoor economy is some $600 billion a year.

I have heard many times spoken on the Senate floor, if we are going to get the deficit and the debt under control, we have to grow our economy. This is about growing our economy. How? By allowing hunters, fishermen, outdoor activists the opportunity to go out and utilize the great outdoors this country has to offer in Montana and throughout this country.

We are losing habitat every day. We have lost access to habitat for hunting and fishing and hiking. This bill will fix that.

I will go back to the point Senator SESSIONS made. When I go back home, folks talk to me about the debt. They talk to me about the deficit. They ask what we can do to fix it. Quite frankly, this is one of those things we can do to fix it. By increasing opportunities for our outdoorsmen and women in this country, we have the opportunity to increase our economy in a very positive way.

Like I said, when we talk about the duck stamps, those dollars go in to be used for promoting opportunities in duck hunting. Those moneys will not be going into funding the war in Afghanistan. The money coming in basically goes out for a specific purpose.

By the way, the folks who utilize the duck stamp want this money bumped up. That is why we give the Secretary this discretion.

With that, I yield the floor back to the Senator from Alabama.

SPORTSMEN'S ACT OF 2012

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Pending:

Reid (for Tester) amendment No. 2875, in the nature of a substitute.

Reid amendment No. 2876 (to amendment No. 2875), to change the enactment date.

Reid amendment No. 2877 (to amendment No. 2876), of a perfecting nature.

Reid amendment No. 2878 (to the language proposed to be stricken by amendment No. 2875), to change the enactment date.

Reid amendment No. 2879 (to amendment No. 2878), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the pending amendment No. 2875, offered by the Senator from Nevada, Senator REID, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority and outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of this pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All postcloture time has expired. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Illinois (Mr. KIRK),

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—50

Akaka	Inouye	Pryor
Baucus	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Blumenthal	Kohl	Sanders
Brown (OH)	Lautenberg	Schumer
Cantwell	Leahy	Shaheen
Cardin	Levin	Snowe
Carper	Lieberman	Stabenow
Casey	Manchin	Tester
Conrad	McCaskill	Udall (CO)
Coons	Menendez	Udall (NM)
Durbin	Merkley	Warner
Feinstein	Mikulski	Webb
Franken	Murray	Whitehouse
Gillibrand	Nelson (NE)	Wyden
Hagan	Nelson (FL)	

NAYS—44

Alexander	Crapo	McConnell
Ayotte	DeMint	Moran
Barrasso	Enzi	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Portman
Boxer	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	Lugar	Wicker
Cornyn	McCain	

NOT VOTING—6

Begich	Hoeven	Kirk
Harkin	Isakson	Landrieu

The PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and amendment No. 2875 falls.

The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the Reid amendment No. 2878 be withdrawn; that the vote on passage of the bill be vitiated; that the bill be returned to the calendar status quo; further, that at a time to be determined by the majority leader after consultation with the Republican leader, it be in order for the majority leader to resume consideration of the bill.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. I now move we proceed to Calendar No. 419, S. 3254.