If you eliminated all the deductions, credits, exclusions in the Tax Code, basically closed it up and set it aside, you could dedicate each year almost $200 billion to deficit reduction, and with the remainder of $900 billion reduce tax rates across the board in our economy. The lowest tax rate would go from 15 percent to 9 percent.

The next tax rate—I am trying to remember—would go from about 24 percent to 16 percent. The top tax rate in America would go from 36 percent down to 26 percent. So you say to Americans: Do you want to deduct your mortgage interest costs—because it is a value to you and your family—and measure that against a reduction in your Federal income tax rate of one-third? Under which scenario do you come out ahead?

Those tax deductions—tax expenditures, as they call them, the $1.1 trillion a year—are greater than either all the personal income taxes collected in America—in other words, all the personal income taxes we pay in go in to cover the tax deductions—or greater than the discretionary spending side of the budget, defense and nondefense. It is huge. In 28 years, we have never opened that door and looked inside. We have to now. Deficit reform should include tax reform.

I brought this up to our friend and colleague, MAX BAUCUS, chairman of the Finance Committee. He agrees. I think we ought to pursue this. We had a bipartisan group saying: Let's get into this. Let's make this part of the conversation. It isn't just entitlement programs, such as Medicare and Social Security, and it isn't just spending—both domestic and defense spending—it is also tax expenditures. Put it all together. I think we have an honest conversation.

Yes, there will be honest sacrifice for all of us, and I thank the Senator from Virginia for raising this whole issue. As we discuss more tax cuts for America, we are proposing making the deficit hole deeper. Each of these tax cuts takes money out of the Treasury. I would argue we should not hit the deficit brake on tax cuts for working families in the middle of a recession. They need spending power to get through. Give them a helping hand now until the recession is behind us. But how can we rationalize tax cuts for the most wealthy Americans when we are facing this kind of deficit? We should be more sensible. We should be able to make these judgments.

Last Saturday, we had a vote which suggested we have no support on the other side of the aisle for restraining tax cuts. They want them all. While they give their speeches about deficits, they turn around then and vote for tax cuts, which make the deficits worse. So that is the dilemma we face.

The last point I will make: The good news is that of the 18 members of the deficit commission, there were some 12 elected officials, and 6 of us—3 Democrats and 3 Republicans—voted for the Commission's report. It was good. It was a breakthrough. It might have been historic.

I would thank the Senator from Virginia for his remarks and his concerns about this issue. He has been working on this with Senator CONRAD and others for a long time, as has Senator BEGICH, and I thank him for that.

Mr. WARNER. Mr. President, will the Senator from Illinois yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. WARNER. I thank the Senator from Illinois for laying out the facts, but there is one additional fact—again, vis-a-vis the Bush tax cuts—that I think has been absent from some of this debate.

The efforts of the Senator from Illinois—Herculean as it was—to try to get 11 out of 18 votes, and all the painful choices the Senator made in terms of spending cuts, raising revenues, opening, as I think the Senator appropriately said, the whole question of tax expenditures, if my memory is correct, over the next decade-plus, the commission's plan—as dramatic as it was and as controversial as it was—basically took out about $4 trillion.

Mr. DURBIN. Four trillion; that is right.

Mr. WARNER. If we were to make permanent—as some on the other side of the aisle have stated—all the Bush tax cuts, that adds another $4 trillion to our deficit; is that not correct?

Mr. DURBIN. The Senator from Virginia is exactly right. The point I am trying to make is—and he made it so well—that 10 months' work to find $4 trillion that we could reduce from the deficit would be wiped out by the insistence on the other side of continuing these Bush tax cuts indefinitely.

I argued, and continue to argue, do what we have to do now to get out of this recession, but as soon as we see a positive, solid footing for this economy, let's start stepping forward and be very serious about this deficit reduction. I think the Commission gives us a roadmap.

I thank the Senator from Virginia.

DON'T ASK, DON'T TELL

Mr. DURBIN. Mr. President, I noted last week that President Obama took a surprise trip to Afghanistan and visited with our troops, and it was heartwarming to see the reception our Commander in Chief received in Afghanistan. I looked out at that large crowd of young men and women in uniform who have volunteered—volunteered—to serve our Nation and risk their lives and saw how happy they were that the President acknowledged they were there and what they were doing. I am glad he did it. I am sure it was no fun flying all night, but it is certainly no fun to be under enemy fire, as these young men and women are almost every day. Those of us here in the comfort and security of the Senate Chamber or in our homes in America should never forget the sacrifice of these individuals.

I also read over the weekend we have now lost over 1,400 in Afghanistan. I pour through the names each day and, I guess understandably, look first for someone from Illinois. Recently, we have had several. I have attended two funerals in the last 2 or 3 weeks of a soldier and a marine who died in Afghanistan from my home State of Illinois. It is heartbreaking to meet the young wives carrying babies, the moms and dads, and share their grief as they stand by their fallen heroes and acknowledge that they have carried on a great tradition in America of being willing to volunteer to protect our freedoms. But they paid the ultimate price. The lives of those families will never ever be the same because of that loss.

Many of us, on both sides of the aisle—Democrats and Republicans—go out for unannounced tours to the hospitals in the Washington, DC, area, particularly Walter Reed. We see these incoming soldiers who are about to become veterans who have been injured in battle and face many grievous injuries. They come home to get the very best in medical care so they can return, as much as possible, to a normal life on the civilian side as veterans, having given so much to this country.

The first person I ever visited at Walter Reed was after the invasion of Iraq. He was a young guardsman who had lost his left leg below the knee. It was amazing to me, as I talked to him, thinking how his life would be changed now, when he said the one thing he couldn't wait to do was to get his prosthetic leg and go through rehab so he could return to his unit in Iraq. What a great comment that is on the training and dedication of the men and women who serve us.

I wish to comment this afternoon and talk about one aspect of that being discussed here in Washington and try to add some perspective to it. I remember the early days of the war in Iraq. They were controversial. As our young men and women went into harm's way in an effort to displace Saddam Hussein and bring some order and civility to that country, great sacrifices were made.

In 1990, a young man named Eric Alva joined the Marines at the age of 19. Thirteen years later, at 32 years of age, he was serving in Basra on the first day of the war in Iraq on March 21, 2003. This young marine—Eric Alva—went into the invasion of Basra and stepped on a landmine. He became the first U.S. casualty of the war in Iraq. As a result of that occurrence, his right arm and left leg sustained permanent damage and his right leg was simply gone.

He was saved and sent to hospitals in Landstuhl, Germany, then here in the United States, where they did everything humanly possible to repair his broken body—the broken body of this young marine who was the first casualty of the war in Iraq.

As he lay in that hospital going through countless surgeries to restore his life, he was visited by Defense Secretary Donald Rumsfeld and then by First Lady Laura Bush and President George Bush, who personally awarded him a Purple Heart. It was the least this country could do to acknowledge his courage and heroism and being in the first wave of marines who went into Iraq and who paid such a heavy price.

Eric Alva tried to put his life together after that devastating injury. Finally, after several years, he spoke up and said there is more to the story. After 4 years, Eric Alva told the world he had lied to become a member of the U.S. Marine Corps because he is gay and he kept that a secret. When he finally spoke out against don't ask, don't tell in 2006, he said: I have risked my life to save this country, but as a gay American veteran I still don't have the full rights of every American.

MAJ Margaret Witt has also felt the injustice of don't ask, don't tell. Major Witt was an Air Force flight nurse. For 17 years, she rose steadily through the Air Force and Air Force Reserve, winning strong performance reviews from superiors and service medals from the department. Almost no one—not even her parents—knew about her sexual orientation. That ended in 2004, when her commanders discovered she was in a committed relationship with a civilian woman. After an investigation and hearing, the Air Force discharged her in 2007 under the don't ask, don't tell policy.

After all those years—17 years of service to the country—they discharged her. Her suspension came less than a year before she would have earned her full pension. There she was, 17 years after joining, all the years of good performance reviews, 1 year away from her pension, and she was suspended.

In 2006, Major Witt said: This is worth a fight. She sued the Air Force, claiming it had violated her rights. Her suit was dismissed by a Federal judge. Two years later, an appeals court panel overruled that judge, holding that before the military can discharge a gay service man or woman, it must first prove their firing furthers military goals.

This year, Major Witt went back to court to try to get her job back. She faced the same judge who had dismissed her claim earlier—U.S. District Court Judge Ronald Leighton. Former Air Force MSG James Schaffer, one of the four witnesses who testified on behalf of Major Witt, said he thought Major Witt's dismissal was so unfair it was part of the reason he retired from the Air Force himself in the year 2007.

Judge Leighton issued his ruling in the case in late September of this year. Judge Leighton is no liberal. He was nominated to the Federal bench by President George W. Bush. In his ruling, Judge Leighton hailed Major Witt as a ''central figure in a long-term, highly charged civil rights movement.'' He said her discharge advanced no legitimate military interest. To the contrary, he said, her dismissal hurt morale in her unit and weakened the squadron's ability to carry out its mission.

Major Witt's case is now on appeal.

Judge Leighton was the second Federal Court judge in less than a month to find that don't ask, don't tell was unconstitutional. Earlier in September, in a case brought by the Log Cabin Republicans, a Federal judge in California ruled that don't ask, don't tell ''infringes on the fundamental rights of United States servicemembers in many ways,'' and he said violates the due process clause of the fifth amendment and the free speech protections under the first amendment. That ruling as well is under appeal.

Many of my colleagues have said they are inclined to support the repeal of don't ask, don't tell, but they wanted to reserve final judgment until the Defense Department studied this issue in-depth. Well, the study is complete—one of the most exhaustive studies in the history of the Pentagon. According to the Pentagon's own study, more than 70 percent of the 115,000 servicemembers and 44,000 military spouses who responded said the effect of repealing don't ask, don't tell would be ''positive, mixed or nonexistent.''

Think about the responses there—115,000 members of the military and their spouses responded to the question, and 70 percent said it was time to end don't ask, don't tell.

In releasing that study, Defense Secretary Robert Gates acknowledged that there are challenges behind unwinding don't ask, don't tell. He worried that leaving this matter to the Federal courts could be the wrong thing to do. A decision for one of these Federal courts could be done in a very short period of time, but better, he said, that Congress step up and accept its responsibility to repeal don't ask, don't tell and put in place a transition period to have the least negative impact on our military. He basically put us on the spot and said those of us who serve in Congress, don't stand on the sidelines and wait for the courts to decide. Pick up the issue and decide yourselves.

President Obama supports repealing don't ask, don't tell. Many of us want to join him. But, unfortunately, we are being stopped by other colleagues who do not want this matter to come before the Senate. They run the risk that any day a Federal court can do, in one opinion, what we should be doing in an orderly, sensible way.

Defense Secretary Gates also added:

> Those that choose not to act legislatively are rolling the dice that this policy will not be abruptly overturned by the courts.

He urged us to move and move quickly.

This is not the first time we fought battles involving discrimination in our military. As proud as I am of the men and women who have served in our military throughout our history, military historians and those who serve will be honest and tell you that in times gone by, some things have occurred which should not have happened. In World War II, our colleague, Senator DANNY INOUYE of Hawaii, and other Japanese-Americans, defended our Nation even as many of their family members were imprisoned in internment camps in this country. Senator INOUYE's unit, the 442nd Regimental Combat Team, was made up entirely of Japanese-Americans who initially were denied the right to even volunteer and serve for our country. They became, once they were allowed to fight, one of the most highly decorated units in the history of the Army.

Our friend, Senator INOUYE, in World War II lost his arm fighting in Italy for America. Yet when he returned from the war, a clearly disabled veteran, a hero in a U.S. Army uniform, he went into a barber shop where the barber refused to give him a hair cut and said: ''We don't cut Jap hair.''

The discrimination he faced before he was allowed to serve our Nation and even after is a reminder that even in this great Nation there are times we have to step up and stand up for the cause of civil rights.

Incidentally, we know in this Chamber, and those who follow this debate should know, in the year 2000 our colleague, Senator DAN INOUYE of Hawaii, was awarded the Medal of Honor for his heroism in World War II.

Edward Brooke was another man who served in the Senate. He was elected in 1966, the first African-American to serve since Reconstruction, a Republican from Massachusetts. He is a recipient of the Presidential Medal of Freedom and the Congressional Gold Medal. In World War II he served in an all-Black regiment in the infantry. As he said, he and his fellow African-American soldiers fought tyranny in Europe even as the U.S. military fought to protect White troops from having to live and fight alongside of them. The military, for all intents and purposes, was basically segregated at that time.

This past June, Senator Brooke wrote in the Boston Globe calling for an end to the don't ask, don't tell policy. It was a powerful call for justice, and I want to read part of it. Here is what Senator Brooke, a Republican from Massachusetts, said:

> Military service requires extraordinary sacrifice and love of country, and every man and woman in uniform deserves our respect and gratitude. However, the ''don't ask, don't tell'' policy that bars openly gay and lesbian soldiers from serving in the military shows disrespect both for the individuals it targets and for the values our military was created to defend. It is a discriminatory law that must be repealed.

Senator Brooke said that under Don't Ask, Don't Tell: The military is divided into soldiers who are judged solely on their merit, and those who

can be condemned for a personal characteristic unrelated to their performance. We've been here before, and history shows that prejudice was the wrong policy.

He added:

Regardless of its target, prejudice is always the same. It finds novel expressions and capitalizes on new fears. But prejudice is never new and never right. One thing binds all prejudices together: irrational fear. Decades ago, black service members were the objects of this fear. Many thought that integrating black and white soldiers would harm the military and society. Today, we see that segregation itself was the threat to our values. We know that laws that elevate one class of people over another run counter to America's ideals. Yet due to ''don't ask, don't tell,'' the very people who sacrifice the most to defend our values are subject to such a law. We owe them far more.

Whether it was the Marine Eric Alva, the first serious casualty of the war in Iraq, or Major General Witt, in the Air Force, who after 17 years of service was basically told to leave, we understand we owe them and so many more the right to serve without discrimination.

More than 24 nations allow gays and lesbians to serve openly in the military. They include Canada and the United Kingdom. Other nations that have lifted their bans include Australia, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Luxembourg, the Netherlands, New Zealand, Norway, Slovenia, South Africa, Spain, Sweden, and Switzerland.

Israel, too, has lifted its ban against service by those who are of a different sexual orientation. Does anyone think for one minute the Israelis would allow gay men and women openly in the military if they thought it would harm their military readiness and national security? Of course not.

Let me add, there is currently no discrimination against those who are gay who wish to serve in the CIA, Secret Service, or FBI. Only in the U.S. military is that discriminatory policy still part of the law of the land.

Our military leaders have told us they can implement repeal and do it in an orderly way. Secretary of the Army John McHugh, former Congressman of New York, has said that. Secretary of the Navy former Governor Raymond Mabus, Admiral Gary Roughhead, Chief of Naval Operations, and General Douglas Fraser, commander of the U.S. SOUTHCOM all agree the military is up to the challenge—everyone.

In releasing the Pentagon survey, Defense Secretary Gates said:

One of the most important things to me is personal integrity and a policy or law that in effect requires you to lie gives me a problem. Such a policy is fundamentally flawed.

Admiral Mike Mullen, the highest ranking military leader in America, testified and said:

Speaking for myself and myself only, it is my personal belief that allowing gays and lesbians to serve openly would be the right thing to do. No matter how I look at the issue, I cannot escape being troubled by the fact that we have in place a policy which forces young men and women to lie about who they are in order to defend their fellow citizens.

He added:

I have served with homosexuals since 1968. Everyone in the military has.

Indeed, there are an estimated 66,000 gay men and lesbians serving in our military today. Ending don't ask, don't tell is the right thing to do for those troops and for our Nation.

I want to salute Senator LIEBERMAN for being the author of the amendment to repeal don't ask, don't tell, and I am proud to cosponsor it with him. This amendment gives us the right to begin the process of repealing it in an orderly way. It says specifically that before don't ask, don't tell can be repealed, the President, Secretary of Defense, and Chairman of the Joint Chiefs of Staff must all certify that the new rules are consistent with the standards of military readiness and effectiveness.

Over the last 60 years, the U.S. military has ended racial segregation and integrated women into its ranks. In many respects the military, after realizing that prejudice did not serve our country well, has led our Nation in opening up to equal treatment and equal opportunity men and women of different racial backgrounds as well as obvious changes in gender.

Ending the ban against gays and lesbians serving openly will require leadership and care, but I am confident America's leadership, the finest in the world, is up to the task.

Let me close with one last comment from Senator Brooke. In his op-ed he wrote:

Civil rights progress doesn't happen automatically or without resistance. History almost always obscures that fact because after the battles are won, it is difficult to understand why we needed to fight them in the first place. Laws change and values change with them. I'm confident that repealing Don't Ask, Don't Tell will be the same. A law believed to be necessary becomes a relic that the next generation finds curious and shameful.

In this case the values have already changed. The vast majority of Americans, including the majority of our top military leaders, our men and women in uniform and their spouses, support ending don't ask, don't tell. It is time to stop coming up with excuses to continue this discrimination. We owe to the men and women in the military not only our respect for what they do and how they serve our country but our respect for their judgment, and in their judgment it is time for don't ask, don't tell to end.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator DURBIN for his eloquent remarks. I urge everyone who wants to get a full understanding of this issue of don't ask, don't tell to read his remarks.

I would only say, if you sum it up, what my colleague has told us is that ending don't ask, don't tell will make us a stronger nation because we will have the unqualified support of people who are serving in the military in a situation where they have to hide who they are. This can't be good. Many of them are thrown out of the military.

Frankly, if we do this, it means we are listening to the American people, a strong majority of whom support ending don't ask, don't tell; and listening to Secretary Gates, our Defense Secretary, who tells us he supports repeal; and listening, frankly, to the members of the military who have taken a survey and over 70 percent of them say we should end don't ask, don't tell.

It is hard to understand why this is not being done. Senator DURBIN is right. If it is done by the courts—which, by the way, I want it to be done by everyone, courts included—but if it is done by the courts before we deal with it, it means there will be more of a rush to change things, and it will take a lot of the control out of the hands of the Defense Secretary so he can phase in this change in policy.

I have to say, as someone who way back in 1993 spoke out against this policy and offered an amendment to keep it out of the rules and out of the law, I tried to say let's just leave it up to the military and not have a congressional statement on it—I offered that amendment. I don't know, we got how many votes—about 12 or 13 votes at the time.

Imagine all those years ago I was so blessed to be here then to speak out against this policy, and now I am here at a time when we can finally end it. What that means is we are moving civil rights forward.

In this great Nation of ours we have a lot of ups and downs, we have a lot of disagreements, we have a lot of open debate, as it should be as a democracy. But at the end of the day, we always expand freedom. We always expand equality.

We started off with only White men of property could vote, when we started off as a nation. It was a big struggle to get the African-American vote. It was a big struggle to get the women's vote. Then we extended the age downward so we had the 18-year-old vote because we had people going to war and they couldn't vote, so we expanded that. This is a country that includes our people. This policy runs counter to that whole notion of inclusion. In fact, it makes people who are willing to die for their country lie about who they are.

We want to stop that policy, at least the vast majority of the American people do—the Secretary of Defense does, the majority of the people in the military do. We have a couple of people on the other side of the aisle, frankly, who keep raising the bar. They said we will end this don't ask, don't tell when we have a survey. Then the survey came out and they said: You know what. We didn't like the survey. Let's have another survey.

What are they going to do, keep designing different surveys until the answer comes back the way they want it? Come on. That is wrong. That is holding back something so important that we have to do.

We have a chance to stand up for civil rights and human rights and I don't want to give it away to the courts. I hope the courts continue to rule the way they have. By the way, the courts have been, to me, eloquent on the point. But we ought to be eloquent as well.

Here we are in a postelection session called a lameduck, but this is no reason for us to be lame, and there is no reason for us to be limping out of this session. We can do some good things. I am here today to look at where we are, what we have done, what we have to do, and what I hope we will do.

Let me say we did do one positive: We did pass the Food Safety Modernization Act by a vote of 73 to 25. One Senator held it up and held it up. We know thousands of our people die every year of foodborne illness. This was a no-brainer. This was easy. The industry itself wanted to do this. We had to have a big fight and cloture votes and the rest of it. At the end of the day we passed it, and I am grateful and, believe me, many people in our country will be grateful when they see the changes that will be put in place.

We are increasing the number of FDA inspections at foreign and domestic facilities to make sure our food is safe before we have an outbreak of a disease. And it will allow removal of contaminated food from store shelves far faster by enhancing the tracking and tracing of high-risk foods. It is going to mean the FDA has clear mandatory recall authority. We have more surveillance systems out there. So this is going to lead to a healthier nation.

Then we got a letter from the Republicans, my friends, and they said: We are not voting on one more thing until you extend tax cuts for all Americans. So, listen, we did that. The Democrats passed two—not one but two versions of tax cuts for every single American. One said: We will make sure those tax cuts stay in place for the first $250,000 of income. That passed with a majority. We needed 60 because our friends filibustered. We got 53. Then we had another version that said: Let the tax cuts continue for up to $1 million of income. Just so people understand what that means, it means we gave tax cuts to every single American, every single one, and we gave a bonus tax cut to people earning up to $1 million, an additional tax cut.

That was not enough for my Republican friends. They brought down those two bills that meant tax cuts for everyone because they want a bonus for people earning over $1 million. Let me tell you how many people there are in this country—307 million Americans. Let me tell you how many Americans earn more than $1 million—315,000. That is one-tenth of 1 percent. My Republican friends voted no on a bill that gave every American a tax cut but stopped a bonus tax cut for 315,000 families who earn over $1 million. Not only that, they said: We are not going to do one more thing in this Senate until we get that tax cut for those people. Give me a break. Give me a break.

I read into the RECORD a letter signed by 90 millionaires. Do you know what they said? Thanks, but no thanks. We do not want this extra tax money. Do it up to $1 million. After that, it is a waste. We are not going to spend it in the economy. We are not going to stimulate this economy. Give it to everybody else, not us.

But, oh, no. Oh, no. They voted no. And they are stopping everything.

You know, a lot of people complain because there is debate going on between the two major parties. I understand it. We have to get things done, and we do. But every once in a while, it is good for the American people to see who is fighting for whom. And put me down as fighting for 99.9 percent of the American people. Put them down as fighting for one-tenth of 1 percent of the American people. This is unreal.

People said: You have to meet the Republicans halfway. Absolutely. That is why I said I would vote to retain the tax cuts for people up to $1 million. We talked about it just being the first $250,000. We moved to $1 million. That covered almost everybody. They will not meet us an inch of the way. We went all of the way over here, and they will not meet us here at all. It would require a little baby step.

So where are we? You see us. We are not voting on anything, folks, because they voted down the tax cuts and now they will not do anything else. And let me tell you some of the things they have already stopped. They have already stopped help for the unemployed. Two million Americans in this Christmas season, this Hanukkah season, are not going to get their unemployment benefits that they paid for through insurance. They are hard-working people. I read their stories into the RECORD, and I hope people will look at those stories. They touch your heart. We have veterans who cannot get a job. We have single moms who cannot get work. We have children saying: I cannot go to college now because my family is unemployed; I have to quit college and go back to work. And $300 a week is the benefit. That is what they stopped on the other side so they could get $460,000 a year in tax cuts, additional, for people who earn $10 million. Think about that. Think about that.

They stopped $300 a week going to the long-term unemployed, not the ones who have reached the 99 weeks—after that, they do not have any more—just to get them up to that 99 weeks, if necessary. They blocked $300 a week because they are very upset about the cost. Yet they are fighting for a tax cut of $460,000 a year extra to someone earning $10 million a year, adding hundreds of billions of dollars to the deficit. They don't care about that. They don't care about paying for that. Oh, they do care about paying for the extension of unemployment insurance.

So every once in a while, when people get upset and they say the parties are battling, trust me, every once in a while it is worth the fight. Every once in a while it is worth the fight because our country is worth the fight, because our middle class is worth the fight, because our working people are worth the fight.

This is where we stand. Look at this. We are doing no legislative business because everything is being held hostage for the millionaires and the billionaires, the top one-tenth of 1 percent of the people. Just read the letter the Republicans sent us. They said they would not compromise. We said: We will give you the first $1 million of income, a lower tax. That was not good enough. That was not good enough. They want every penny over $1 million to get that tax break. So talk about the party of no—the GOP is the n-o-p-e party.

Here are some other things they blocked and they are blocking. How could we ever forget 9/11? I certainly can't. No American can ever forget it. And who could ever forget the heroes who went down and worked to clear the debris, the toxic debris from 9/11. They went down to find survivors, then they went down to find remains. They never thought about themselves.

The Bush EPA said the air was safe. They went down there, and they are sick, and we need to help them. We have a bill that passed the House. The Republicans are blocking it to fight for tax breaks for the people who earn over $1 million, for the people who earn $1 billion.

Right now, they say we can't do any other work. They have stopped the START treaty, a treaty supported by none other than George Schultz, Henry Kissinger, Howard Baker, all very well-respected Republicans. Those Republicans turned their backs on those Republicans because they are fighting for the top one-tenth of 1 percent of earners in this country, and we can't make our country safe. We have no inspectors on the ground in Russia. We need to inspect their nuclear program. I remember asking all of our national security people what is their biggest fear. Republicans, Democrats, all of them. Do you know what they said? A terrorist getting hold of a nuclear weapon. We have to do inspections and make sure that nuclear arsenal is safe from terrorists. Oh, no, we can't do that because the people who earn over $1 million need more tax help. Thank you. That is the answer from the other side.

We are now ready to give $250 back to Social Security recipients who didn't get a cost-of-living adjustment. As far as I know, that is being stopped. Nothing is happening here.

We want to help our firefighters, these heroes, negotiate so they can get the benefits they deserve. Oh, no, that is being held up.

I can tell you personally that they held up the unemployment benefits I talked about before because I made a unanimous consent request to get those unemployment benefits out there. Oh, no.

Senator BARRASSO: I object. I don't want these benefits going to the people who have been on unemployment benefits for more than 99 weeks.

I said: Well, wait a minute, my friend—he is my friend—we are not doing anything for people longer than 99 weeks; we are just trying to make sure that up to 99 weeks you have help.

Oh, he still objected. They want to pay for it. But they don't want to pay for the benefits to the millionaires. It is going to lose us hundreds of billions of dollars and add to our debt.

This is a time to show the difference between the parties. This is post-election. There is no election until a couple of years from now. Let's just show the difference. This is nothing to do with voting; these are the true colors of the parties.

It is important that people understand we cannot do the business of this country. We have a significant number of clean water bills to help the Chesapeake Bay, to help the San Francisco Bay, to clean the waterways, to help the Great Lakes. We voted them out of our committee, the Environment Committee. I am proud to chair that committee, so proud. They are not even controversial. We didn't even have barely a ''no'' vote from anybody on either side of the aisle. We can't get that done either.

Don't ask, don't tell—you heard Senator DURBIN talk about that. It is attached to the Defense bill. The Defense bill is critical. We are in two wars. Whether you support those wars or not, we support the troops and want to get them what they need. The don't ask, don't tell repeal is in there, and we can't get that done.

Let me tell you something else we have not been able to get done—the DREAM Act. I wish to talk about that, and I want to put a human face on it, so I am going to tell you some stories about it. I am going to tell you the stories, and then I am going to tell you what the bill is we want to do.

I am going to show you a picture of this handsome young man who is the drum major of the UCLA Bruin Marching Band. Anyone who knows anything about universities knows UCLA is a great university. If you want to get into UCLA, you have to be darn smart. You have to be at the top. David Cho is very smart. He is the drum major of the UCLA Bruin Marching Band, and every week he leads them as they cheer on the Bruins in the Rose Bowl. Here is a beautiful picture of him.

Last weekend, the Bruins hosted their crosstown rivals from USC at the Rose Bowl, and you might have seen David on your TV screen Saturday night. There at the 50-yard line of the most iconic football stadium in America, leading the Bruin Marching Band as they played ''Sons of Westwood,'' was David Cho, the face of this team and their cheerleaders and the face of the DREAM Act.

David is a senior at UCLA studying international economics. He has a 3.6 GPA at UCLA. That is not easy. In his free time, he tutors local high school students. If ever we saw it, this is Americana—a smart, motivated leader in the community, giving back. What is the problem with David? He was born in Korea. He came here on a family visa with his parents when he was 9 years old. His family spent 8 years trying to navigate their way to legalized status. They found out their sponsor erred in filling out the paperwork. They tried and tried and could never fix it. David did not learn he wasn't an American citizen until he started applying to college.

He writes:

> I feel like I'm living inside an invisible prison cell. I want to serve in the Air Force . . . I want to attend the Kennedy School of Government. I dream of becoming a U.S. Senator because I want to serve and change this country for the better. This is the American Dream I want to achieve, but I am unable to fulfill it because of my status.

Years ago, when the Republicans were in charge of the Senate, a bill came out called the DREAM Act. It would say to these young people who are here without the proper papers, not because they did anything wrong but because their parents did, they grew up thinking they are American, America is their home, some came at 6 months, some came at 2 years, some came at 4 years, David came at 9 years—it sets them on a path, if they hold up their average in school, if they join the military.

The military wants this bill passed. They call it a recruiter's dream.

We have many other stories, and I will quickly go through a few. I ask unanimous consent to speak for an additional 5 or 6 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Pedro Ramirez is the student body president of Fresno State University. He is studying political science and agricultural economics. He is another face of the DREAM Act. His parents brought him to the United States When he was 3 years old. Did Pedro know he was doing anything wrong at 3? Nor did David know he was doing anything wrong at 9. Pedro discovered he was in this country illegally, again, when he began applying to college when he was 18. His immigration status became public knowledge when an anonymous e-mail to the Fresno Bee detailed how he was forced to waive a small stipend the university provides to its student president. He had to waive that. Pedro is paying his tuition with private scholarships and by mowing lawns. This is what he writes:

> The DREAM Act itself symbolizes what it is to be an American, which is our goal. We want to contribute to the United States, and utilize the degrees and skills we gained, to make it a better place.

Now let's look at Maria Duque, 19 years old. She is the vice president of student government at Fullerton College. When she was 5 years old, she moved to Los Angeles from Ecuador with her parents who were seeking a better life for their children. As a high school student, she finished sixth in her class with a 4.4 grade point average. I don't know how one gets over 4; I guess by doing bonus work and getting an A-plus-plus. This is what we are talking about. She was also student body president, yearbook editor, and a newspaper editor. At Fullerton College, Maria's excellent record continued. She has a 3.9 GPA. She volunteers at a nonprofit organization that helps low-income high school students prepare for college. She was accepted into top universities but is unable to afford to attend them because she does not qualify for student aid. On weekends she sings in public arenas asking for donations to help her afford tuition.

How do we make our country better when our laws don't recognize students such as these? Who could answer that question for me? How do we make our country better when we don't help students such as these?

She hopes to transfer to UC-Berkeley or UCLA and complete her double major in political science and history. Then she wants to go to law school. She wants to continue her work helping others pull themselves out of poverty. She is another face of the DREAM Act. She writes:

> My bachelor's diploma, my masters and law degree in the future will only be a piece of paper. It might tell of my accomplishments, but I will not be able to use it to help others in this country which I consider my home.

She came here at 5 years old. She doesn't know anything else but America. She says that DREAM Act students ''are like any other young person in the [U.S.], aspiring to do more for society, our fellow neighbors, and our home, the United States of America. The DREAM Act is . . . a source of hope.

Lastly, Luis Perez. He graduated in May from UCLA school of law, the first undocumented student to do so. Luis is another face of the DREAM Act. Brought to the United States by his parents at the age of 9, he has lived in this country for 20 years. He grew up in an area infested by gangs and drugs, and he rose way above those distractions and dangers. He went to community college. He transferred to UCLA where he earned a degree in American government, and he went to UCLA law. That is such a hard school to get into. He has worked side jobs to help pay for room and board.

Tell me, somebody, how does it make our country a better place when we turn our backs on these students?

He writes:

> May 7th marked my graduation from UCLA law school. I am now forced to look

beyond the joy of graduation. Instead I must now reassess my current situation, as I am deprived the luxury of making long-term plans.

I have done and continue to do everything within my means and ability until Congress does their part and passes the DREAM Act. I have faith that our Founding Fathers entrusted us with the legislative process to make just laws.

I am living the American Dream. I am a living example of what education, opportunity, and community support can produce regardless of challenges and disadvantages.

I have learned firsthand that it is only during times of adversity that we have the opportunity to be a leader and show true courage. As I acknowledge the difficulties with immigration reform, I am hopeful that this Congress will give me the opportunity to fulfill my Dream; after all, being an American really means to stand up for what's right, even when we are standing alone.

This is a bill that has had bipartisan support over many years. It started in 2001. I have statements from my Republican friends about how important this bill is and why.

I ask unanimous consent to have printed in the RECORD quotes from my Republican colleagues.

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

QUOTES

BIPARTISAN BILL

The Dream Act has always been bipartisan; in fact, it was first introduced in the 2001 by Republican Senator Hatch, with six (6) other Republican cosponsors.

Senator Hatch reintroduced the Dream Act in the 2003—this time with thirteen (13) of his fellow Republicans as cosponsors.

Since the first Hatch bill was introduced in 2001, Senate Republicans have cosponsored the Dream Act 39 times.

In 2007, the Senate held a vote on the Dream Act. The bill was filibustered, but 10 Republicans voted for it, including Senators Brownback, Collins, Lugar, and Snowe.

Some of the most moving words about the importance of the Dream Act have been spoken by my Republican colleagues.

In 2004 the Senate Judiciary Committee, led by Senator Hatch, issued a report on the Dream Act:

''Most came to America as children, playing no part in the decision to enter the United States, and may not even know they are here illegally. A great many grow up to become honest and hardworking young adults who are loyal to our country and who strive for academic and professional excellence.

''It is a mistake to lump these children together with adults who knowingly crossed our borders illegally. Instead, the better policy is to view them as the valuable resource that they are for our nation's future.''

Senator Hatch in 2003 on the Senate floor:

''I believe the DREAM Act will live up to its name. It will allow these illegal immigrant children the opportunity to not only dream of the infinite possibilities that their futures may hold in the United States, but it will also afford them the opportunity to realize their dreams.''

Senator Chuck Hagel, in 2007:

''The DREAM Act would make it possible to bring these young people out of shadows and give them the opportunity to contribute, work, and pay taxes—giving back to the communities in which they were raised.''

''The DREAM Act is not amnesty. It is a narrowly tailored piece of legislation that would help only a limited, select group of young people earn legal status. This is not an incentive for more illegal immigrants to enter our country.''

In 2009, former Florida Governor Jeb Bush co-wrote a report for the Council on Foreign Relations. The report said:

''The DREAM Act is no amnesty. It offers to young people who had no responsibility for their parents' initial decision to bring them into the United States the opportunity to earn their way to remain here.''

And last week the Wall Street Journal editorialized about the importance of the Dream Act:

''What is to be gained by holding otherwise law-abiding young people, who had no say in coming to this country, responsible for the illegal actions of others? The DREAM Act also makes legal status contingent on school achievement and military service, the type of behavior that ought to be encouraged and rewarded.''

Mrs. BOXER. We have a situation where people were brought to this country by their parents. The kids had nothing to say in the matter. They grew up thinking they were Americans. They did everything American kids do, and they excelled. They went to the top. This bill is crafted in such a careful way that essentially we are taking the cream of the crop and giving them a path to legality, a path so their hopes and dreams can be realized and, therefore, they will help this Nation realize its hopes and dreams.

I strongly urge my colleagues to listen to the students in their States who are desperate to earn a chance for this dream. They are here in Washington, and they are going to various offices. They love their country. Never before in U.S. history have we punished children for the actions of their parents. To deny these students an opportunity to earn the dream would be a dark moment in our Nation's history, in my view.

The American dream is real. It is not easy to attain. We have to work hard. We have to work hard always from the time we are a kid in school and we get our first job. Here we are talking about young people who excel. All they want to do is be able to reach their dream and help us move this country forward. This is the next generation of community leaders, the next generation of military leaders, the next generation of entrepreneurs. We don't punish children for the sins of their parents. We don't do that. That is wrong.

Let us do the right thing. Every once in a while we have to say: We have to do the right thing. Is it a tough vote? Will some people ask, why are you doing that? Of course. But that is true about anything we do.

We have so many golden opportunities to be on the right side of American history. We are presented them every day. We are presented them in this postelection session. We could end don't ask, don't tell. We could pass the DREAM Act. We can pass an unemployment benefits extension. We can help our firefighters. We can help our heroes from 9/11 get help with their illnesses, with their breathing problems, with their cancer problems. Let's not say no because the Democrats said: Yes, we will give everybody in this country a tax cut for the first $1 million of income and after that, we have to worry about the deficit. We go all the way up to $1 million, and we take care of everybody in this country. Everybody gets a tax cut. If one is over a million, they don't get their little bonus tax cut. We help reduce the deficit which is an issue absolutely on our agenda.

Why would someone then say no to everything else, after we have met them all the way up to the $1 million level of income. It is unbelievable.

America, pay attention. Pay attention to who is fighting for you and who is fighting for 315,000 of the richest families, many of whom say to us: Don't do this. It is more important to cure the deficit. Economists tell us at that level of wealth, they are not going to spend the money at the corner store. Look at Mark Zandi's comments, the Republican economic adviser to John McCain. He told us: You give out unemployment benefits, for every dollar, you increase economic activity by $1.61, because that money is spent right away at the corner store. You give huge, enormous tax breaks to people over $1 million, they are not going to spend it. They are going to put it in a trust fund.

Let's put that money toward deficit reduction. For me, speaking for myself, this postelection session has been one of the most interesting I have ever seen. Because the true colors of the parties are coming out. I know people get very frustrated about our debates. They want us to come together. I want to come together. I went all the way to the Republican side and said: The first million of income will get a tax cut. Only over that, that one-tenth of 1 percent, let's put that to deficit reduction. And my Republican friends won't move that inch over to me and to us. At the same time they are blocking action on all those important bills I laid out.

I wanted to lay this out for history. I think we sometimes forget. The battles we wage here tell the country who we are.

I am very pleased to have this opportunity. I thank the people of California for giving me this opportunity again. It means a lot to me to be able to weigh in on these issues of the heart and soul of the country that I love so much as a first-generation American on my mother's side. I thank them for that.

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

The ACTING PRESIDENT pro tempore. 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 (Mr. COONS). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent to be able to speak

for up to 25 minutes in morning business.

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

DREAM ACT

Mr. SESSIONS. Mr. President, I understand it is likely the majority leader will seek to bring up the DREAM Act in a day or two. This is a very bad piece of legislation, and it is being presented at a time when we have massive illegality at our borders.

One of the fundamental things that separates America from the other nations of the world is our commitment to the rule of law. We enforce our contracts and our statutes. We punish corruption. One of the great advantages this Nation has over others is the degree to which there is integrity in our process here. We protect the rights and privileges of citizenship. We know one of our most unique and valuable characteristics is our legal system.

Law is a necessary condition for a free society. Freedom cannot flourish in chaos. Prosperity cannot arise in an uncertain environment. Yet we have allowed our borders to descend into chaos and lawlessness. For decades, we have failed to uphold the rule of law. We have failed to protect the integrity of citizenship in America and the law.

Even now, in a post-9/11 world, we still lack control over who comes into our country. Every day, guns, drugs, unknown people, unlawfully pour across our broken border.

The consequences of the government's failure are felt keenly by those living in our border States. Ranchers living on U.S. soil must confront the chaos as a reality of daily life. They are denied the peaceable possession of their private property. Phoenix, the capital of Arizona, is now known as one of the kidnapping capitals of the world.

Yet it does not have to be this way. With enough will and determined execution of a carefully developed plan, executed by a President and supported by a Congress that has as its serious goal the elimination of this illegality, it will be successful and can be successful in just a few years.

It is not impossible. That is what the public wants and this is what our political leaders have obstinately refused to do. Americans are willing—and I am certainly willing—to consider some sort of status for those who have peacefully lived and worked in our country for some extended period of time, but only after we have secured the border. As long as you continue to provide amnesty for people who come into our country and stay here for a period of time, you incentivize further illegality.

Well, this is because passage of amnesty bills, such as the DREAM Act, is an immediate reward for the illegal entry, with no serious plan to stop the illegal flow. Indeed, the legislation incentivizes the flow or the entry of people into our country illegally.

What does this type of legislation say to the rest of the world and to anyone thinking about coming illegally? It says if you can get in the United States and hang on for a number of years, sooner or later we are going to reward you by forgiving your illegal behavior and putting you on a path to citizenship. That is not the message we need to send.

The public will not allow us to repeat the mistakes of the 1986 amnesty. We have discussed that so many times. They will not fall for the ruse that we can have amnesty first and security later. They understand that if we do not secure the border first, we may never secure it at all. We certainly have not done so as of this date.

Despite this—and despite historic losses in the recent election—the Democratic leaders of this Congress are now pushing a reckless proposal for mass amnesty known as the DREAM Act.

At a time when our Nation is struggling with high unemployment and runaway government spending, the bill would authorize millions of illegal workers and impose an even greater burden on the taxpayers. Making matters worse, those eligible for the DREAM Act amnesty include illegal aliens with criminal records. And all of this is being rushed through a lame-duck Congress with no committee review.

The Democratic leaders have even introduced four versions of the same bill in just over 2 months—3 in the last 13 days. It has been a shell game that abuses the legislative process. Is it any wonder that the American people have lost faith in this institution?

Americans want us to enforce the laws, but we are considering a bill that would reward and encourage their violation. Americans want Congress to end the lawlessness, but this bill would surrender to it.

Consider a few of the DREAM Act's most troubling provisions:

First, the DREAM Act is not limited to children. Illegal aliens as old as 30 or 35 are eligible on the date of the enactment of the bill. And they remain eligible to apply at any future age, as the registration window does not close. You do not need a high school diploma, a college degree, or military service in order to receive amnesty under the DREAM Act as proposed.

Illegal aliens can receive indefinite legal status as long as they have a GED, the alternative to a high school diploma. They can receive permanent legal status and a guaranteed path to citizenship as long as they complete just 2 years of college or trade school.

One version of the DREAM Act offers illegal aliens in-State tuition for which many Americans are not eligible. All four versions provide illegal aliens with Federal education benefits, such as work-study programs, Federal student loans, and access to public colleges that are already short on spaces and resources.

The Congressional Budget Office is the entity that gives us technical data about legislation. It is a pretty objective group. It is hired by the Democratic leader, the Democratic majority, but I think most of the time they try to do the right thing. They say the bill would add $5 billion to the deficit. But that number really, I have to say, is low. The CBO clearly failed to account for a number of major cost factors associated with implementation of the DREAM Act. Of course, they haven't had much time to make this analysis since the most recent version was introduced just 5 days ago. The CBO fails to account for unemployment, public education cost, chain migration, and fraud. Furthermore, it did not take into account what history has proven: passing amnesty will incentivize even more illegality and lawlessness at the border.

In addition, the CBO assumes a large portion of these individuals will obtain jobs, but there is no surplus of job opportunities in American today. Unemployment just went up from 9.6 to 9.8—almost 10 percent. It has remained high for an exceedingly long period of time. The economists are telling us we are going to have to look forward to much higher unemployment than we have been used to in the past. Well, nobody is scoring the fact that many American job seekers will not get a job if large numbers—a million or more—of illegal aliens are converted to legal status and start competing for jobs, and perhaps denying them that job, which may have good benefits and good pay.

Conservative estimates say that between 1.3 and 2.1 million illegal aliens will be immediately eligible for this DREAM Act amnesty, but that number will grow significantly as the bill has no cap or sunset to it. Moreover, those who obtain legal status can then petitions for their relatives. Under the DREAM Act, illegal aliens are put on a path to citizenship—first they receive conditional status, then legal permanent resident status, and finally citizenship. After they are naturalized, they can then, through the chain migration process, apply to bring in their relatives. Some of the people they might apply to bring in are likely to be the persons who brought them here illegally. As a result, the number of green cards granted could easily triple what is expected.

Many with criminal records will also be eligible for the DREAM Act's amnesty. They simply must have less than three misdemeanor convictions—under the Act, Congress is arbitrarily determining that two misdemeanors is OK while three is not so good. Those potentially eligible would include drunk drivers, gang members, and even those who have committed certain sexual offenses.

The most recent version of the bill also gives the Secretary of Homeland Security broad authority to waive ineligibility for even the most severe criminal offenders and those who pose a threat to our national security. Many such offenses include indecent exposure, DUI, smaller thefts, and drug