

make concrete changes to protect American values and champion the rule of law. We need a bipartisan effort to guarantee that the United States remains the model for the rule of law to the world.

There is one additional provision that has been excluded from this conference report that is of concern to me and a number of Senators and Congressmen. Both the House and Senate approved in their defense authorization bills language to freeze Air National Guard and Air Force Reserve manpower and force structure in the wake of the Air Force's announced intention to disproportionately target the National Guard as it prepared for Budget Control Act cuts. I joined Senator GRAHAM, Representative HUNTER and Representative WALZ in leading a letter to the conferees signed by 87 members of Congress in support of continuing the freeze and preserving the National Commission on the Structure of the Air Force which was included in the Senate-passed Defense Authorization Act.

I was surprised to see that the conferees rewrote these provisions, instead adopting in this conference report an Air Force proposal that had been neither reviewed nor debated by either chamber. While the final conference report does preserve the National Commission on the Structure of the Air Force, I believe it does not go far enough to protect the fundamental needs and strength of our Air National Guard.

I will continue to work with others here in Congress who believe, as I do, that the Guard represents much of what is best about our country's military.

UNANIMOUS CONSENT AGREEMENT—H.R. 1

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader.

Mr. REID. Mr. President, I have a unanimous consent agreement. If everyone would be patient, we have two votes.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, after consultation with Senator McCONNELL, the Senate proceed to the cloture vote with respect to the substitute amendment to H.R. 1; that if cloture is not invoked, the majority leader be recognized; that if cloture is invoked, Senator TOOMEY or designee be recognized for the purpose of raising a budget point of order against the pending substitute amendment; that if the point of order is raised, Senator LEAHY or designee be recognized to move to waive the budget point of order; that there be 10 minutes of debate prior to a vote in relation to the motion to waive; that no other budget points of order be in order to the substitute or the underlying bill; that notwithstanding rule XXII, the following amendments be in order: Cardin No. 3393; Grassley No. 3348;

Feinstein No. 3421, as modified; Harkin No. 3426; Landrieu No. 3415; Leahy No. 3403; McCain No. 3384, as modified; Bingaman No. 3344; Coburn No. 3368; Coburn No. 3369; Coburn No. 3370, as modified, with two divisions; Coburn No. 3371; Coburn No. 3382; Coburn No. 3383; Tester No. 3350; Paul No. 3376; Paul No. 3410; McCain No. 3355; Merkley No. 3367, as modified; Lee No. 3373, as modified; and Coats No. 3391; that no amendments be in order to any of these amendments prior to votes in relation to the amendments; that the amendments be subject to a 60-affirmative-vote threshold; that there be 30 minutes of debate equally divided in the usual form on each of the amendments, with the exception of the following: 20 minutes equally divided on each of the Coburn amendments or divisions and the Lee amendment; and 40 minutes equally divided on each of the Paul amendments; and 1 hour equally divided on the Coats amendment; that upon the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order listed; that there will be 2 minutes of debate equally divided between the votes; that all after the first vote be 10-minute votes; further, that upon disposition of the pending amendments listed, the Senate proceed to vote in relation to the pending substitute amendment, as amended, if amended; that upon disposition of the substitute, the cloture motion on the underlying bill be withdrawn, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 1, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the majority leader indicated that when we have the point of order, I or my designee be recognized. I ask that the distinguished senior Senator from Maryland, the chair of the Appropriations Committee, be the designee.

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

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 3395 to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the Government for the fiscal year ending September 30, 2011.

Harry Reid, Patrick J. Leahy, Benjamin L. Cardin, Mark Begich, Joe Manchin III, Tom Harkin, Jeff Bingaman, Mary Landrieu, Christopher A. Coons, Amy

Klobuchar, Bill Nelson, Debbie Stabenow, Jack Reed, Kirsten E. Gillibrand, Tom Udall, Bernard Sanders, Sheldon Whitehouse

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

The question is, Is it the sense of the Senate that debate on substitute amendment No. 3395, offered by the Senator from Nevada, Mr. REID, to H.R. 1, an act making appropriations for the Department of Defense and other departments and agencies of the government for the fiscal year ending September 30, 2011, and for other purposes, shall be brought to a close?

Mr. REID. Mr. President, I ask unanimous consent that this vote and the next vote be 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Massachusetts (Mr. BROWN), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. COBURN), the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Kansas (Mr. MORAN).

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

The yeas and nays resulted—yeas 91, nays 1, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

Akaka	Graham	Nelson (NE)
Alexander	Grassley	Nelson (FL)
Ayotte	Hagan	Paul
Barrasso	Harkin	Portman
Baucus	Hatch	Pryor
Begich	Heller	Reed
Bennet	Hoeben	Reid
Bingaman	Hutchison	Risch
Blumenthal	Isakson	Roberts
Blunt	Johanns	Rockefeller
Boozman	Johnson (SD)	Rubio
Boxer	Johnson (WI)	Sanders
Brown (OH)	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Landrieu	Shelby
Casey	Lautenberg	Snowe
Chambliss	Leahy	Stabenow
Coats	Lee	Tester
Cochran	Levin	Thune
Collins	Lieberman	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—1

Kyl

NOT VOTING—7

Brown (MA)	DeMint	Moran
Burr	Inhofe	
Coburn	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 91, and the nays are