

would increase the costs of the program by more than \$5 million.

Furthermore, it conflicts with the intent of the legislation. Because of the high number of private schools in the District, Congress allowed students who chose to stay close to home a greater range of options, similar to a State school program. However, it was never intended to supplement the private education to the same degree as public education.

Once again, I urge my colleagues to vote against his amendment and in support of the underlying bill.

At this time, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I will finish up with this. I thank the Senators for their debate and points of view.

The reason the average is \$6,500 is because you only give \$2,500 to the private. If you took all the private schools out, the average would be \$10,000. That is what you get. So to play the game with numbers is not accurate because when you filter in the \$2,500, you get that average of \$6,500.

I would make the point again, you, in fact, are discriminating against a young DC minority child who says I want to go to Morehouse State, and I want to major in X at Morehouse State. I know heroes of mine who went to Morehouse State.

Under this bill, you say you can't do that. They may be bright, but \$2,500 compared to that education, versus \$10,000 in public, doesn't begin to accomplish the level of financing and scholarships—it will be next to impossible. I ask you to reconsider. The intent of what you are trying to do—we can, in fact, appropriate more money for this. If I and GEORGE VOINOVICH and DANNY AKAKA go for a spending increase on an appropriations bill, that will make history in the Senate. That would make history. We could do that. We could find the money to do that.

The point is, why should we take away opportunity? Why should we be the parlayes of somebody's lost opportunity? We ought to give it to all, it ought to be equally based and ought to be based on their aspirations, their hopes for what they want to do. We should not artificially say because you want to go here, this is all the opportunity you get. But if you want to go somewhere that doesn't excite you, doesn't stimulate you, isn't going to give you as good an education, we will give you more money.

I think that is inherently wrong and disadvantageous to the very people we are trying to help. Not only should we want them to get the education, we should want them to get the best education, so they can be the best that they can be.

I will yield the floor.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. AKAKA. Mr. President, I yield the remainder of my time.

Mr. VOINOVICH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to Coburn amendment No. 2888.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

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

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 337 Leg.]

#### YEAS—38

Alexander  
Allard  
Bennett  
Bond  
Brownback  
Bunning  
Burr  
Chambliss  
Coburn  
Cochran  
Corker  
Cornyn  
Craig

Crapo  
DeMint  
Dole  
Ensign  
Graham  
Gregg  
Hagel  
Hatch  
Hutchison  
Inhofe  
Isakson  
Kyl  
Lott

Lugar  
Martinez  
McCain  
McConnell  
Roberts  
Sessions  
Shelby  
Smith  
Stevens  
Sununu  
Thune  
Vitter

#### NAYS—59

Akaka  
Barrasso  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Brown  
Cantwell  
Cardin  
Carper  
Casey  
Clinton  
Coleman  
Collins  
Conrad  
Dodd  
Dorgan  
Durbin  
Enzi

Feingold  
Feinstein  
Grassley  
Harkin  
Inouye  
Johnson  
Kennedy  
Kerry  
Klobuchar  
Kohl  
Laudrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Mikulski  
Murkowski

Murray  
Nelson (FL)  
Nelson (NE)  
Pryor  
Reed  
Reid  
Rockefeller  
Salazar  
Sanders  
Schumer  
Snowe  
Specter  
Stabenow  
Tester  
Voinovich  
Warner  
Webb  
Whitehouse  
Wyden

#### NOT VOTING—3

Byrd  
Domenici  
Obama

The amendment (No. 2888) was rejected.

Mr. AKAKA. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. BUNNING. Mr. President, I ask for the yeas and nays, please.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from New Mexico (Mr. DOMENICI).

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 338 Leg.]

#### YEAS—96

Akaka  
Alexander  
Allard  
Barrasso  
Baucus  
Bayh  
Bennett  
Biden  
Bingaman  
Bond  
Boxer  
Brown  
Brownback  
Bunning  
Burr  
Cantwell  
Cardin  
Carper  
Casey  
Chambliss  
Clinton  
Coburn  
Cochran  
Coleman  
Collins  
Conrad  
Corker  
Cornyn  
Craig  
Crapo  
DeMint  
Dole

Dorgan  
Durbin  
Ensign  
Feingold  
Feinstein  
Graham  
Grassley  
Gregg  
Hagel  
Harkin  
Hatch  
Hutchison  
Inhofe  
Inouye  
Isakson  
Johnson  
Kennedy  
Kerry  
Klobuchar  
Kohl  
Kyl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
Lott  
Lugar  
Martinez  
McCain

McCaskill  
McConnell  
Menendez  
Mikulski  
Murkowski  
Murray  
Nelson (FL)  
Nelson (NE)  
Pryor  
Reed  
Reid  
Roberts  
Rockefeller  
Salazar  
Sanders  
Schumer  
Sessions  
Shelby  
Smith  
Snowe  
Specter  
Stabenow  
Stevens  
Sununu  
Tester  
Thune  
Vitter  
Voinovich  
Warner  
Webb  
Whitehouse  
Wyden

#### NOT VOTING—4

Byrd  
Dodd  
Domenici  
Obama

The bill (H.R. 1124), as amended, was passed.

Mr. AKAKA. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DISTRICT OF COLUMBIA HOUSE  
VOTING RIGHTS ACT OF 2007—  
MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes equally divided between the two leaders or their designees on the motion to invoke cloture on the motion to proceed to S. 1257.

Who seeks time? The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the legislation before us today which was reported out of our committee on a 9-to-1 vote, bipartisan support.

In some sense, it is unbelievable that we are here today in 2007 trying, against some odds at this moment, to give to the residents of the Capital City of the United States, the District of Columbia, the right to have a voting representative in the Congress of the United States. To me, it is unbelievable, it is palpably unjust and, in my opinion, a national embarrassment.

This bill, comparable to a bill that passed the House of Representatives—bipartisan—cosponsored by Delegate ELEANOR HOLMES NORTON and Congressman TOM DAVIS—basically rights this grievous wrong by giving the District of Columbia, more than a half a million of our fellow Americans, a voting Member of Congress in the House of Representatives and to, frankly and directly, overcome concerns of the partisan impact of giving a House seat to the District because it tends to vote Democratic, and correcting another injustice, saying that the State of Utah, which came very close—less than 900 citizens—from having another seat in the Congress in the House as a result of the 2000 census also gets a seat. So one for the District of Columbia, one for Utah.

The situation is this: The residents of the Capital City of the greatest democracy in the world do not have voting representation in Congress. And yet, they have to pay the taxes we adopt—this is taxation without representation—their budget uniquely has to be approved by the Congress, and their sons and daughters today are serving, and I add dying in disproportionate numbers, in Iraq and Afghanistan in the war on terrorism, and yet they do not have a voting representative in Congress to pass judgment on appropriations and other matters related to that war.

It is time to end the injustice, to end the national embarrassment that the citizens of this great Capital City do not have voting representation in Congress.

I ask all my colleagues to vote for cloture. Do not let a filibuster kill a voting rights act, as used to happen too often around here.

I have been honored to join as a cosponsor of this measure my dear friend, a great Senator, Senator ORRIN HATCH of Utah.

I yield the remaining time we have to Senator HATCH.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, we have had a lot of people talking about, oh, let's not do this because it is unconstitutional. I want everybody to know there are conservative and liberal advocates on both sides of this issue with regard to the District of Columbia and, I might add, I think most people will know Utah was not treated fairly after the last census. Naturally, Senator BENNETT and I are for adding a seat in Utah.

Let's go back to that point. There are good people on both sides of this issue, Democrats and Republicans on each side. There are decent arguments on each side of this issue, although I think our side has been given short shrift by some. And those who are so sure this is unconstitutional, that which the distinguished Senator from Connecticut, Mr. LIEBERMAN, and I have been advocating, then why do they fear the expedited provision in this bill that will get us to the Supreme Court of the United States of America in what would be a very appropriate decision on who is right and who is wrong in this matter?

We all know the argument that we should do this as a constitutional amendment is not a valid argument. It is a good argument, but the fact is it will never pass that way. There are 600,000 people in the District of Columbia, never contemplated by the Founders of this country to be without the right to vote. They are the only people in this country who do not have a right to vote for their own representative in the House of Representatives. This bill would remedy that situation.

Those who argue it would be a presage to getting two Senators don't know the people in America or in this body. The fact is that Senators are elected by States with equal rights of suffrage. This representative, should this bill pass both Houses of Congress, would represent 600,000 people as the people's representative in the House of Representatives, which is what that is supposed to be.

I might add, Supreme Court decision after Supreme Court decision has said the Congress has plenary power in this area, unique power in this area. It says Congress has authority over the District of Columbia. If Congress wants to give the District of Columbia a representative, Congress has the power to do so, and I believe the Supreme Court would uphold it. I do not believe the Supreme Court would uphold an attempt to try and get two Senators for something that is clearly not a State requiring equal rights of suffrage.

I compliment my good friend from Connecticut, Senator LIEBERMAN, for the hard battle he waged and for those in the House who worked so hard on this issue. I hope we can at least debate this matter. All we are doing today is deciding whether we are even going to allow a debate to occur. My gosh, when has the Senate been afraid to debate a

constitutional issue as important as this one? This is an important issue. We are prepared to debate. We are prepared to see what happens.

We know if it passes, it is going to have expedited review by the Supreme Court. We are prepared to accept whatever the Supreme Court decides to do, and those who say this is unconstitutional, per se, should not be afraid then. I am willing to go to the Supreme Court, and I will abide by whatever the Supreme Court says. I believe the Supreme Court would uphold this legislation because there are 600,000 people without a right to vote for their own representative.

I used to be opposed to this issue. The more I studied it, the more I agreed with the conservative and liberal constitutional proponents and the more I have become an advocate for it, and I am going to continue to do so. I hope we can at least debate this matter and then, hopefully, get it out of this body and go to the Supreme Court and have them finally decide what should be done.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President. I rise to speak in support of S. 1257, the District of Columbia House Voting Rights Act of 2007. It is a measure introduced by Senator LIEBERMAN and Senator HATCH and favorably reported by the Committee on Homeland Security and Governmental Affairs.

After carefully considering the constitutional issues, I have come to believe, on balance, that S. 1257 is a legitimate mechanism for providing voting representation in the U.S. House of Representatives for the 600,000 Americans who live in the District of Columbia—citizens who serve in the Armed Forces, pay Federal taxes, participate in Federal programs, and support a local government overseen by Congress—yet who cannot choose a representative with voting rights for the House that meets in their midst.

S. 1257 would also correct an inequity affecting the State of Utah. That State fell just short of qualifying for an additional House seat in the last apportionment—a margin that likely would have disappeared had the census counted the thousands of Mormons who were out of State performing their religious duty as missionaries.

As the Senate considers this legislation, much hinges on our view of the powers assigned, and the rights protected, by our Constitution. Those