



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, THURSDAY, MAY 17, 2007

No. 82

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of love and judgment, show us Your mercy and forgiveness today. Pardon us for neglecting to do right; for remaining silent when we should speak; for ignoring the whisper of conscience; for looking away from the oppressed; and for being poor stewards of Your bounty. Show us Your mercy for our failure to embrace humility, for our excessive dependence upon our wisdom, and for our reluctance to build stronger bridges of cooperation and friendship.

God of love and judgment, gently lead our lawmakers to a growth in ethical fitness that will enable them to glorify Your Name. May their moral development bear such visible fruits that people will lift praises to You. We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 17, 2007.

To the Senate:

Under the provisions of rule I, Paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning, following any time utilized by Senator MCCONNELL and myself, the Senate will begin consideration of H.R. 2206, the emergency supplemental legislation. There will be an hour of debate prior to a vote on the motion to invoke cloture on the Reid-McConnell substitute amendment. The time is also equally divided between the two leaders or their designees.

The cloture vote will occur around 10:45. If cloture is invoked, and we expect that it will be, the Senate will immediately agree to the amendment and then go to a vote on the passage of the legislation. Therefore, there will be 2 rollcall votes expected this morning.

Following the completion of the action on the supplemental, the Senate will begin debate on the conference report accompanying the budget resolution. Senators GREGG and CONRAD have worked on this through the entire process. They are two veteran legislators, and they understand this issue more than anyone else in the Senate and probably in the country. We will have that vote, hopefully, around 3:30, between 3:30 and 4:30 this afternoon, if all things go well. We are waiting for the House to pass it. I think they will do that around 3:30 this afternoon.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2206, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2206) making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Reid/McConnell amendment No. 1123, in the nature of a substitute.

Reid/McConnell amendment No. 1124 (to amendment No. 1123), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1125 (to amendment No. 1124), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1126 (to the instructions of the motion to commit H.R. 2206), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1127 (to the instructions of the motion to commit (to amendment No. 1126)), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions.

Reid amendment No. 1128 (to amendment No. 1127), expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the United States or impact their ability to complete their assigned or future missions.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 shall be equally divided and controlled by the two leaders or their designees.

Ms. KLOBUCHAR. Mr. President, I yield myself 10 minutes.

U.S. ATTORNEY INVESTIGATION

Ms. KLOBUCHAR. Mr. President, today I was shocked to read in the Washington Post that Tom Heffelfinger, the former U.S. attorney for the District of Minnesota, was among those recommended for removal by the Justice Department under Attorney General Alberto Gonzales. Tom Heffelfinger had previously been appointed U.S. attorney for Minnesota by the first Bush administration in 1991 and had the distinction of being appointed again in 2001 by George W. Bush.

During his second term as U.S. attorney, I had the privilege of working with Tom as a district attorney and chief prosecutor for Minnesota's largest county. The relationship between the U.S. attorney and the district attorney for a large metropolitan county is a very important one but also a difficult one. I can tell my colleagues this: It has been my experience that the people of this country don't care who prosecutes a case. They don't care if it is a local attorney or a State attorney or a Federal attorney. They just want us to get the job done. That was the spirit in which I worked with Tom Heffelfinger and his predecessor, B. Todd Jones, who was appointed by President Clinton.

When I was first elected in 1998, B. Todd Jones had been appointed by President Clinton. Todd Jones and I forged an excellent relationship. We spoke often about the various cases in our jurisdiction and the surrounding area, and we worked together when jurisdictional lines were blurred, deciding if a case would be prosecuted federally or locally. It is not a small thing. In other jurisdictions there are often disputes that are not in the best interests of the citizens, but we were able to forge that relationship.

I remember we made a plan early on, and that is that we were going to work together. I remember when Mr. Jones and I decided we would have a party for our joint offices, and he invited the county attorney's prosecutors over to the U.S. attorneys, and I have to tell you, there is traditionally a little bit of jealousy that goes on. The county attorneys always look at the U.S. attorneys and figure they can have less cases and fewer resources to do those fewer cases, and the U.S. attorneys may look at the county attorneys and say, oh, why can't they spend more time on a case.

So we decided we would bring the people together. I still remember when we had the party at their beautiful offices. I got there first, and I never told my office, but U.S. attorney Todd

Jones got on the intercom, and before my office came over, he said: Nail down the furniture; The cousins are coming over.

Since then, we forged an amazing relationship. So when George W. Bush appointed Tom Heffelfinger as U.S. attorney—Tom Heffelfinger, of course, was a Republican; I was a Democrat—you might think there would be problems. Well, there weren't. Tom Heffelfinger basically ran the office the same way Todd Jones did, in a professional manner. Many of the same people continued to work there and, in fact, the chief deputy remained the same under both the Republican-appointed U.S. attorney and the Democrat-appointed U.S. attorney.

An example of Tom's professionalism comes to mind. When there was an armored truck robbery in the southern suburbs in our metropolitan area, the victim was killed execution style, kneeling next to a truck. It was a Brink's truck driver. The case had gone unsolved for a number of years. Tom came to my office. I want my colleagues to know he didn't have to do this. He could have had just a press conference and announced the charges, and that would be the end of it. But he came to my office weeks before the case was charged to tell me he thought they were closing in on the suspect; to tell me he knew in most cases murders were handled by our office, but that this case was going to be different. It was different because the Feds had been investigating it for a number of years, and it was different because it involved an armored truck. It was also different because it could potentially be eligible for the death penalty, and he knew I was personally opposed to the death penalty and Minnesota didn't have a death penalty. Nothing required him to come and talk to me about that case, but Tom Heffelfinger did because he had the respect for me and he had the respect for our office that you don't always see with people in government service.

Our office jointly prosecuted many cases, and when there was a jurisdictional issue, Tom and I would always talk about it. We did a number of criminally focused initiatives together. We saw our offices as partners, not as rivals, and as time went on, as the years went on, the respect between both our offices grew. As I said, each came to see each other, the people in our office, not as rivals, but as partners in justice.

This is why I am so appalled that Tom Heffelfinger was targeted for firing. I take Tom at his word—and we have talked many times in the last few months—that he had made a decision to leave the office, that he never knew he was on such a list, and he made the decision based on the fact that his wife was going to retire. But the issue is not that he made the decision on his own, the issue is that someone of such integrity as Tom Heffelfinger was ever targeted by this Justice Department for firing.

I have always believed, as a prosecutor, you do your job without fear of favor. It may not be easy, but whatever your decisions—and you know they are not going to make everyone happy, but whatever your decisions, you want to know at the end of the day that you did the right thing and that you had no regrets.

We have learned these past few months that our Nation's chief law enforcement officer, our leading guardian of the rule of law in this country, has allowed politics to creep too close to the core of our legal system. This administration has determined that Washington politicians—not prosecutors out in the field, and even perhaps in some cases not the facts themselves—would dictate how prosecutions should proceed. The consequences are simply unacceptable. Good prosecutors like Tom Heffelfinger who, by all accounts, were just doing their jobs—upholding their oaths, following the principles of their professions—we find out were targeted for firing. The new information we also received this week is while this administration repeatedly said we were only focusing on these eight prosecutors, it turned out to be 26 people who they were considering.

This is why I am asking the Justice Department today to tell us why Tom Heffelfinger, someone of such integrity, would even be on this list. I am asking our Judiciary Committee to look into the fact that this man—this good man—was even on this list.

We have seen cases all over the country now where prosecutors were pressured, where they were fired, where they were unfairly slandered by this administration. All of this, it would seem, was motivated by rank politics.

This week was Law Enforcement Week. It made me a little melancholy for my previous job. I had many police officers come in and talk to me, so many I had known and worked with, and we talked about cases. I also treasured the work that I did with prosecutors throughout our State, from the smallest counties to the U.S. Attorney's Office. This is what our justice system is about in America. It is about putting justice first. It is about doing our jobs without fear of favor.

That is why I believe this Attorney General must resign. I have been saying it for months. You simply cannot have a cloud over the Justice Department, where they can't do their jobs because they are constantly plagued by investigations and by everything that has been going on because of the brute political decisions made by this administration.

This is just wrong. I call for the resignation of this Attorney General, and I ask that the country understand what a great man Tom Heffelfinger is, that he should never have been on this list. And I will stand tall to tell the people of my State how this is a man of integrity and that I respect him very much.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, here we are once again—*deja vu*—debating supplemental funding for the President's disastrous misadventure in Iraq. Now in its fifth year of occupation, the U.S. death toll in Iraq is over 3,380. What a shame, shame, shame. The death toll of innocent Iraqis is largely unknown, but it probably numbers in the tens of thousands.

The United States of America has spent over \$378 billion in Iraq. Do you know how much a billion dollars is? That is \$1 for every minute since Jesus Christ was born. So the United States has spent over \$378 billion in Iraq, and we are all familiar with the horrendous tales of waste and abuse by U.S. contractors in Iraq. The taxpayer—that is you out there—has been ravaged by the profiteering in Iraq. But even worse, despite the billions, our brave troops have been shortchanged with inadequate equipment to protect their lives and shoddy medical care, if they make it back home, to treat wounds of the body and of the mind.

Now the President has threatened to veto the House bill, which is before the Senate, because it sets a date to withdraw, provides funding until late July and “could unreasonably burden the President's exercise of his constitutional authorities, including his authority as Commander in Chief.”

President Bush has also objected to funding for rebuilding the Gulf Coast States after Hurricane Katrina, funding to improve health care for our troops and our veterans, funding for the shortfall in the State Children's Health Insurance Program, funding for Low-Income Heating Assistance Program, and more funding for Homeland Security.

Mr. President, this President—our President—has a single-minded obsession with Iraq, and he appears to see no value in anything except continuing his chaotic “mission impossible.” While tilting at windmills may have been a harmless procedure for Don Quixote, Mr. Bush's war is turning the sands of Iraq blood red.

Mr. Bush raises constitutional concerns in his latest veto threat. I don't know whether to laugh or to cry. I don't no whether to laugh or to cry. I suppose one could be encouraged that constitutional concerns exist in the Bush kingdom. After setting aside the Constitution whenever convenient to justify preemptive attacks, illegal searches, secret wiretapping, clandestine military tribunals, treaty violations, kidnapping, torture, and a rejection of habeas corpus, one has to wonder about the nature of these purported “constitutional concerns.” If the Constitution is finally to be read, let us read it in its entirety, including the articles which give the people's representatives—that is us—the power over the purse—yes, the power over the purse; don't ever forget it. That is the

real power. It gives the people's representatives the power over the purse and the power to declare war.

In its statement of administrative policy, the administration claims that the House bill before us “. . . is likely to unleash chaos in Iraq. . . .” Mr. President, what do we have now if not chaos in Iraq? Securing Iraq has unaccountably morphed into securing Baghdad, and even that goal eludes us. I doubt if building a wall around the green zone is going to be of much consequence in securing Baghdad, not to mention the very strange message such a wall conveys concerning our purported liberation of Iraq.

The President—our President—continues to miss the point. Iraq is at war with itself. America cannot create a stable democracy in Iraq at the point of a gun. While our troops succeeded in toppling Saddam Hussein, it is the President's profound misunderstanding of the dynamics in Iraq that have led to the failure of his Iraq policies. Why in the world should we now believe the claims that he makes in his veto threat?

There must be an end to this occupation of Iraq. Yes, I say occupation for it is no longer a war in which U.S. troops should be involved. Our troops won the war they were sent to fight, and they should not now be asked to serve as targets in a religious conflict between Sunni and Shiites that has raged for thousands of years. It is reported that even a majority in the Iraqi Parliament now supports legislation which demands a scheduled withdrawal and an immediate freeze on the number of foreign soldiers in Iraq.

In April, Congress set a new course for the war in Iraq. Sadly, the President—our stubborn, uncompromising President—chose to veto that bill. As we prepare to go to conference again, the President continues—our President—to close his eyes and cover his ears to the reality in Iraq, and the urgent need for a new direction. Whatever decision is made in conference will not be the last chapter in this sad story. God willing, this Senator will not close his eyes, nor will he cover his ears, nor will I stand by in silence. Hear me.

We need to conclude this terrible, awful mistake that we have made in Iraq. I said in the beginning that we ought not go into Iraq. But we are there. Anti-Americanism is more robust now than in any period in our history because of Iraq. Do you hear that? The international community is skeptical—why should they not be? They are skeptical of U.S. intentions because of Iraq. Our Constitution has been trampled—hear that. Our Constitution has been trampled because of Iraq. Thousands of U.S. troops and Iraqi citizens have lost their lives because of Iraq. Thousands more are maimed physically or mentally because of Iraq. Billions of U.S. dollars have been wasted because of Iraq.

President Bush has lost all credibility. President Bush, our President,

has lost all—all—credibility because of Iraq.

Terrorism is on the rise worldwide because of Iraq. May God grant this Congress—that is, us—may God grant this Congress the courage to come together and answer the cries of a majority of the people who sent us here. Find a way to end this horrible catastrophe, this unspeakable—unspeakable—ongoing calamity called Iraq. May God help us in the United States.

Mr. FEINGOLD. Mr. President, I cannot support the procedure that the majority and minority leaders have concocted to speed a supplemental spending bill to conference without debate or amendments—and without even writing the actual bill. I share the desire of my colleagues to pass this important bill as soon as possible. But that is no excuse for us avoiding our responsibilities as legislators. Passing a symbolic resolution is not an acceptable alternative to writing, considering and working to improve legislation that provides tens of billions of dollars for a broad range of programs and that addresses the most pressing issue facing the country—the President's disastrous policies in Iraq.

When it comes to legislation as important as this, we need full debate and votes. We can do this quickly—I am prepared to have this debate and consider amendments right away, and to stay as long as it takes to get it done. But we should do it openly and on the record. The votes we had yesterday on Iraq amendments to an unrelated bill are no excuse for bypassing the regular legislative process today.

I admit, it is easier and quicker if we just send a placeholder bill to conference, so that the real work can be done there. But we do a disservice to our constituents, and to this institution, by passing the buck like that. The American people are calling on us to end the war in Iraq. They deserve to see this debate, even if it slows us down by a few hours. They deserve to know where their Senators stand, and which amendments they support. A decision about whether to continue our involvement in this misguided war should be made in open debate, not behind closed doors—particularly since neither house will have the opportunity to amend whatever final legislation emerges from conference.

The first supplemental that Congress recently passed was a step forward toward ending this war. I am concerned that the bill that emerges from the upcoming conference, thanks to this expedited procedure, will be a step back. Passing a weak supplemental bill that expresses disapproval of the President's policies but doesn't do anything to fix them may make some of us feel better. But this debate should not be about providing political comfort for folks here in Washington. It is about responding to the wishes of the American people and the needs of our national security. And it should take place on the Senate floor, before the American people, right here, right now.

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

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, yesterday, the Senate held two important votes: one on the Feingold amendment, which called for transitioning the mission; and on the Warner amendment, which would require the President to certify the Iraqi Government is meeting benchmarks in order to receive United States aid.

I supported the Feingold amendment, which provides a real change of direction and course out of the war. I opposed the Warner amendment because, after more than 4 years of war, 3,400 American deaths, almost 30,000 wounded, and more than \$500 billion—almost arriving at \$1 trillion dollars in taxpayer dollars spent—we need action, not more reports, especially those without consequences.

Yet, while I supported one vote and opposed the other, I am encouraged by both. They show real and growing momentum on both sides of the aisle to move away from this tragic, endless war. As the Los Angeles Times reported this morning:

The votes illustrated Congress' dramatic response to public dismay with the war.

As CNN's Dana Bash said:

It was a milestone in the Iraq war debate. For the first time, the vast majority of the President's fellow Republicans voted to directly challenge his Iraq policy.

It is no wonder a broad bipartisan consensus for change is emerging. We are well into the fourth surge of U.S. forces since the start of the war, yet April was one of the deadliest months in the entire war, and attacks on our troops show no sign of decreasing. The Iraqi Government has failed to adopt an oil law, a law on de-Baathification, or any further constitutional amendments they are required to implement.

Iraqi Prime Minister Maliki is accused of sabotaging efforts of peace and stability by firing some of the top law enforcement officials for doing too good a job of combating violent Shiite militias.

Conditions are so chaotic, according to a report this morning by the Chatham House Research Institute—which is a respected institute in England—they say the Iraqi Government is:

... on the verge of becoming a failed state with internecine fighting and a continual struggle for power threatening the nation's very existence.

The U.S. mission grows further and further disconnected from our strategic national interests. Instead of focusing on force protection, hunting down al-Qaida and other terrorists, and training the Iraqi military—missions that will make us more secure, help the

Iraqi people, and reduce our troops' exposure to sectarian violence—United States forces, as we speak, are patrolling Baghdad streets, extremely vulnerable to snipers, kidnappers, and these explosive devices which have become so well-known over there.

Our brave fighting forces have done everything we have asked of them, and even more. Every day we debate the war, our troops remain in harm's way. The overwhelming veto-proof bipartisan majority of the Senate is now on record saying the status quo is unacceptable.

With that reality as a backdrop, this morning we will vote for cloture on Senator MURRAY's sense-of-the-Senate resolution that will move us to conference on the emergency supplemental bill and the important negotiations that will take place in the near future on the Iraq situation.

Last evening, I spoke to the father of one of the hostages in Iraq. He lives in Reno, NV. We talked, and it was difficult. He loves his son, he prays for his son's return, as we all do. We talked about how we have hope that he is alive.

I urge all my colleagues to support the resolution we are going to vote on. We can all agree we need to move swiftly to the supplemental bill that fully funds our troops. We all agree we can't "stay the course." That is not an option, as President Bush has done for more than 4 years.

As we move this debate to conference, the American people deserve to know that the Democrats' commitment to bring this war to a responsible end has never been stronger. If enough of our Republican colleagues decide to join with us, even the President will have to listen.

Mr. President, it is my understanding the parliamentary issue before this body is a vote that will occur at 10:30; is that right?

The PRESIDING OFFICER. At 10:35.

Mr. REID. At 10:35. And at 10:35, because the leaders used some of their time?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I think it would be in the best interest of the Senate if we go ahead and start the vote. I have not had an opportunity to check with the minority, so I don't want to move to do that before I do so. We will know that in a minute. But it would probably be better if we got the vote started, if there is no one here to speak in the next 5 minutes.

I think we will go ahead and start the vote, and if somebody is concerned about the extra 5 minutes, then we will extend the time an extra 5 minutes. I ask that we proceed with the vote.

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

CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Reid-McConnell amendment No. 1123 relating to Iraq to H.R. 2206, the Emergency Supplemental Appropriations Act.

Harry Reid, Debbie Stabenow, Daniel K. Inouye, Jon Tester, Bill Nelson of Florida, Jeff Bingaman, Barbara Boxer, Patty Murray, Frank R. Lautenberg, Benjamin L. Cardin, Tom Carper, Charles Schumer, Maria Cantwell, Carl Levin, Daniel K. Akaka, Ted Kennedy, Amy Klobuchar.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1123, offered by the Senator from Nevada and the Senator from Kentucky, expressing the sense of the Congress that no action should be taken to undermine the safety of the Armed Forces of the United States or impact their ability to complete their assigned or future missions, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHN-SON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mrs. DOLE), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

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

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—94

Akaka	Dodd	Martinez
Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Baucus	Durbin	Menendez
Bayh	Ensign	Mikulski
Bennett	Enzi	Murkowski
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Bond	Grassley	Nelson (NE)
Boxer	Gregg	Obama
Brown	Hagel	Pryor
Brownback	Harkin	Reed
Bunning	Hatch	Reid
Burr	Hutchison	Roberts
Byrd	Inhofe	Rockefeller
Cantwell	Inouye	Salazar
Cardin	Isakson	Sanders
Carper	Kennedy	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shelby
Clinton	Kohl	Smith
Cochran	Kyl	Snowe
Coleman	Landrieu	Specter
Collins	Lautenberg	Stabenow
Conrad	Leahy	Stevens
Corker	Levin	Tester
Cornyn	Lieberman	Thomas
Craig	Lincoln	Thune
Crapo	Lott	
DeMint	Lugar	

Vitter
Voinovich

Warner
Webb

Whitehouse
Wyden

NAYS—1

Feingold

NOT VOTING—5

Coburn
Dole

Johnson
McCain

Sununu

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all other amendments and motions are withdrawn, and the substitute amendment is agreed to.

The amendment (No. 1123) 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?

The bill (H.R. 2206), as amended, was passed, as follows:

H.R. 2206

Resolved, That the bill from the House of Representatives (H.R. 2206) entitled "An Act making emergency supplemental appropriations and additional supplemental appropriations for agricultural and other emergency assistance for the fiscal year ending September 30, 2007, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

Since under the Constitution, the President and Congress have shared responsibilities for decisions on the use of the Armed Forces of the United States, including their mission, and for supporting the Armed Forces, especially during wartime;

Since when the Armed Forces are deployed in harm's way, the President, Congress, and the Nation should give them all the support they need in order to maintain their safety and accomplish their assigned or future missions, including the training, equipment, logistics, and funding necessary to ensure their safety and effectiveness, and such support is the responsibility of both the Executive Branch and the Legislative Branch of Government; and

Since thousands of members of the Armed Forces who have fought bravely in Iraq and Afghanistan are not receiving the kind of medical care and other support this Nation owes them when they return home: Now, therefore, be it

Determined by the Senate (the House of Representatives concurring), that it is the sense of Congress that—

(1) the President and Congress should not take any action that will endanger the Armed Forces of the United States, and will provide necessary funds for training, equipment, and other support for troops in the field, as such actions will ensure their safety and effectiveness in preparing for and carrying out their assigned missions;

(2) the President, Congress, and the Nation have an obligation to ensure that those who have bravely served this country in time of war receive the medical care and other support they deserve; and

(3) the President and Congress should—

(A) continue to exercise their constitutional responsibilities to ensure that the Armed Forces have everything they need to perform their assigned or future missions; and

(B) review, assess, and adjust United States policy and funding as needed to ensure our troops have the best chance for success in Iraq and elsewhere.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair is authorized to appoint conferees.

The Senator from Pennsylvania is recognized.

IMMIGRATION

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending efforts to structure a comprehensive immigration reform bill. There are many questions which are being asked today in the corridors by members of the media as to what is happening on the efforts to structure a bill to come before the Senate next week, where a cloture vote is scheduled for Monday afternoon to proceed. The efforts to structure legislation have been in process now for 3 months. There have been approximately 30 meetings held for durations customarily of 2 hours or longer, customarily attended by 8, 10, or 12 Senators. It is unusual to have a dozen Senators sit still in a room for 2 hours, but that has happened repeatedly as we have struggled through the very complex issues while trying for comprehensive immigration reform.

We have bypassed the Judiciary Committee in this effort. Perhaps it was a mistake. In the 109th Congress, we laboriously worked through and produced a bill which came to the Senate floor and which was ultimately passed. There is a great deal to be said for regular order, where we have a text, amendments are proposed, there is debate, there are votes, and we move ahead through the committee system. The decision was made early on not to utilize regular order in the traditional committee system, and it may well have been an error, as we have been struggling to come to terms with a consensus.

First, there were extensive meetings with Republicans alone. Democrats met separately. Then there have been the bipartisan meetings, as we have struggled to come to terms. The meetings have virtually gone round the clock. The staff has literally worked round the clock, the past weekend, both Saturday and Sunday, and the previous weekend. The administration has been dedicated; the President has been personally involved in the discussions. A group of us met with the President yesterday. Immigration was discussed. The administration has devoted the time of the Secretary of Homeland Security and the Secretary of Commerce, who have been parties to these lengthy meetings, always present for the duration of the session. We think we are coming very close, but as we move through the analysis and discussion, it has been apparent that no matter what legislation is produced, it will

be unsatisfactory to both ends of the political spectrum.

The bill has already been criticized for being too lenient on undocumented immigrants and providing amnesty at one end of the political spectrum. It has been criticized at the other end of the political spectrum for not being sufficiently humanitarian and compassionate to the immigrants. Even though we have yet to produce a bill, it has been subjected to criticism. We have found that around the country some 90 cities have been engaged in legislative efforts with either passed or rejected laws trying to deal with immigrants' landlords. In my State, the city of Hazleton is trying to deal with the issue. Recently, we had a conspiracy by six men charged with a terrorist plot to attack the soldiers at Fort Dix. Three of those who have been charged are undocumented immigrants from Yugoslavia, illegal immigrants. There has been a virtual breakdown of law and order, as we have in this country an estimated 12 million undocumented immigrants.

We have the criticism expressed at one end of the political spectrum that there is amnesty here. That is factually wrong. Those who will be placed at the end of the citizenship line will be those who do not have criminal records. Where we can identify those with criminal records, they should be deported. You can't deport 12 million undocumented immigrants who are here illegally, but you can deport those who have criminal records. Those who will be placed at the end of the line for citizenship will be those who have paid their taxes, those who have established a good work record, those who were contributing in a constructive way to the American way of life.

When objections are raised as to amnesty, the question is returned: What more can be done with these 12 million undocumented immigrants? What more hurdles can be placed to be sure we do the maximum to avoid the charge of amnesty? We are still open for suggestions. But the consequence of not moving to a solution on this issue is that we have anarchy. We have uncontrolled borders.

The legislation we are working on goes a long way. It increases the number of Border Patrol officers from 12,000 to 18,000. It will have 200 miles of vehicle barriers and 370 miles of fencing, 70 ground-based radar and camera towers, unmanned aerial vehicles, and detention space to hold some 27,500 daily on an annual basis. We have interior security provisions. We have tough employer sanctions because we are structuring a system where we can make a positive identification as to who is legal and who is illegal. This is an appropriate basis for imposing tough sanctions on employers if they hire illegal immigrants, because they are in a position to make a determination as to who is legal or who is illegal.

At the other end of the political spectrum, there are objections that the