Vitter	Warner	Whitehouse
Voinovich	Webb	Wyden

NAYS—1

Feingold

NOT VOTING—5

Coburn	Johnson	Sununu
Dole	McCain	

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Under the previous order, all other amendments and motions are withdrawn, and the substitute amendment is agreed to.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

program is not sufficiently humanitarian, not sufficiently compassionate, and does not sufficiently provide for family unification. If we are to handle the backlog of people who have been waiting to come into this country with the existing requirements to gain citizenship, and if we are to deal with the millions of undocumented immigrants, we will have to have additional green cards. But there will have to be limitations so we do not have what is euphemistically referred to as chain immigration.

We are working on a points system which we are trying to balance. It is very hard to satisfy all competing interests, to balance the demand for Ph.D.s and highly skilled people with the desire to provide opportunities for people who are not highly skilled. Certain points are being given to recognize the family, to have as many family members and as much on family reunification as we can, within a balanced system.

The old adage that the devil is in the details is obviously present here. This morning one group of Senators met at a little after 9; another group of Senators met at 10:15. We are continuing the meetings as we try to come to grips and resolve these issues.

The whole immigration issue is another third rail in politics. Social Security has been described as the third rail of our political system. There is no doubt that immigration is another third rail. It may supplant Social Security as the third rail of the political system because, no matter what we do here, both ends of the political spectrum will criticize us—criticize us for amnesty on one hand, criticize us on the other end of the political spectrum for not being sufficiently compassionate. Politically, it is a loser for those who are engaged in it. But we have a public duty to come to grips with this issue and to have comprehensive immigration reform. We can do that and insist on having border patrols and employer sanctions before we work through the guest worker program. It is truly, as we are structuring it, a temporary worker program, where people come to the United States for a period of time and go back to their native countries. It is a system where we are giving as much support and as much preference for families as we can on a balanced system, and as much to the high-skilled workers to balance off against the low-skilled workers.

The most important thing, as I see it, is to move ahead and persevere, to try to structure a bill which is now 380 pages long—it is in text, thanks to the dedicated work of the staff—and to present it on the floor of the Senate and have the Senate work its will. Aside from the political perils, the object is to restore the rule of law and to bring these 11 to 12 million undocumented immigrants out of the shadows. The advantage to society generally is to eliminate this massive underclass, this massive number of individuals who are in the shadows, and to structure a system where they will, at the outset, have visas to stay here for as long as they like, so long as they comply with our laws and get into the citizenship line at the rear. We are looking to reestablish the rule of law and to avoid the anarchy which now characterizes our immigration system.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will begin debate on the conference report to accompany S. Con. Res. 21.

Under the previous order, the time until 3 p.m. shall be equally divided between the Senator from North Dakota, Mr. CONRAD, and the Senator from New Hampshire, Mr. GREGG, or their designees.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I ask unanimous consent that all quorum calls be equally divided.

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

Mr. CONRAD. Mr. President, we bring to the floor the conference report on the budget. It is a conference report that I believe is worthy of our support. Let me say why.

Under this budget plan, we will balance the budget in 5 years. In the fifth year, 2012, we will have, according to the projections, a $41 billion surplus. This is after 6 years of deficit, and in an additional 4 years, we will finally be returning to balance.

The budget resolution we bring to the floor will reduce spending as a share of gross domestic product each and every year, from 20.5 percent in 2008 down to 18.9 percent in 2012. It is that spending discipline that helps us reach balance in the fifth year. It also has the positive effect of bringing down the debt as a share of our gross domestic product in every year after 2010. This is gross debt. If we looked at publicly held debt, it will actually be bringing it down every year from 2009 on. So I believe this is a responsible budget that returns us to a fiscally responsible approach to our Nation's spending.

Some have said there is a big difference in spending between this budget and the President's budget. We have put it on a chart to visually compare over the 5 years the difference in spending in this proposal and what the President proposed.

As you can see, there is virtually no difference—virtually no difference—in spending between this proposal and the President's spending proposal. Yes, it is slightly more spending, but this slight addition is going for veterans health care, to expand children's health care, and to provide further investment in education. Those are the fundamental places where we have modest additions to spending.

As you can see, on a fair comparison basis, when you put the two spending lines together on the same axis, comparing apples to apples, you see the difference in spending is quite modest.

On the revenue side, we have included a 1-year fix to the alternative minimum tax, the old millionaire's tax. It is rapidly becoming a middle-class tax trap. If we had not acted, over 23 million people would be caught up by the alternative minimum tax in this next year. We have avoided that, providing dramatic tax relief to those people.

We also extend the middle-class tax cuts in this proposal. That includes continuation of marriage penalty relief, the child tax credit, and the 10-percent bracket. These provisions will benefit tens of millions of the American taxpayers.

We also include estate tax reform. It is well known under the current estate tax law, we will go to a $3.5 million exemption per person in 2009. Then there is no estate tax in 2010. Then we go back to an estate tax in 2011 that provides only $1 million of exemption per person or $2 million for a couple. Instead of having that anomalous situation, we will continue providing a $3.5 million exemption per person or $7 million for a couple indexed for inflation. I think that makes common sense.

Now, we have heard from some there is a big tax increase in this budget. There is no tax increase in this budget. Let me reemphasize that. There is no assumption of a tax increase in this budget. I do not know what I could say to be more clear.

Here, shown on this chart, is what the President said his budget would produce in revenue over the 5 years. This is the President's own estimate of what his budget would produce. He said his 5-year budget would produce $14.826 trillion of revenue over the 5 years. That is according to the scoring by his own Office of Management and Budget.

Our budget produces $14.828 trillion of revenue over the 5-year period. There is virtually no difference between what the President claimed his budget would produce in revenue and what our budget produces in revenue.

Now, our friends on the other side will be swift to say: Wait a minute, Senator, you are using Office of Management and Budget estimates and CBO estimates, two different estimates. That is true. The point I am making is the President said it was entirely reasonable to expect to raise $14.826 trillion of revenue over this 5 years. That is his own estimate of what his budget would produce. CBO says our budget would produce $14.828 trillion—a $2 billion difference on a $15