forth appropriate budgetary levels for fiscal year 2009 through 2012, having met, have agreed that the Senate recede from its disagreement to the amendment of the House to the text of the concurrent resolution, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of Wednesday, May 16, 2007, on page H5071 (Vol. 153, No. 81).

The PRESIDING OFFICER. The question is on agreeing to the conference report. 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 South Dakota (Mr. JOHNSON) is necessarily absent.

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

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''nay''.

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

The result was announced—yeas 52, nays 40, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—52

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Collins	Lincoln	Webb
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murray	

NAYS—40

Alexander	Domenici	McConnell
Allard	Ensign	Murkowski
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Cochran	Hutchison	Thomas
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeMint	Martinez	

NOT VOTING—8

Brownback	Hatch	Smith
Coburn	Johnson	Sununu
Dole	McCain	

The conference report was agreed to.

Mr. CONRAD. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Madam President, I just want to thank all my colleagues who supported this budget resolution. It is a responsible first step to restoring fiscal responsibility and meeting the priority needs of the country.

I thank my colleagues, I thank the Chair, and I yield the floor.

GENERAL LUTE TO BE ASSISTANT TO PRESIDENT

Mr. WARNER. Madam President, we have seen recently where it is the intention of the President to designate Lieutenant General Lute to take a position in the administration as an Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, as well as working with the National Security Council. I have known this fine officer for some time. I have done an overseas trip with him to Africa. We went down to Liberia at a time of great trouble down there with a change in the administration. I have seen him working on the Joint Staff. I have had the opportunity to be briefed by him. I want to lend my strongest endorsement for this nomination.

I also wish to have printed in the RECORD the history of how active-duty military officers have been assistants to Presidents. I point out, from 1969 to 1970, General Haig was Military Assistant to the Presidential Assistant for National Security Affairs. General Haig then moved up in 1970 to be Deputy National Security Advisor. Then in 1973–1974, he was White House Chief of Staff and, following that, he had other important positions.

General Scowcroft, while on active duty, was Deputy National Security Advisor from 1973 to 1975. Admiral John Poindexter was National Security Advisor from 1983 to 1985, National Security Advisor from 1985 to 1986. Lieutenant General Colin Powell was Deputy National Security Advisor in 1987 and then Colin Powell moved up to National Security Advisor from 1987 to 1989.

I will have printed in the RECORD a list of those individuals who served our Presidents in the past in a comparable way.

I think it would be advisable if the President were to determine that General Lute would have an exemption, a security exemption granted by the President, such that he does not have to respond to the committees of the Congress, to come up as a witness. Otherwise, he should get an annex office up on Capitol Hill to respond to the many inquiries that will be generated here on the Hill and focused on General Lute to make a response. I think he can be more effective to the President if he is given that waiver authority.

I urge my colleagues to look with an open mind at this nomination. I spoke to Chairman LEVIN today. He indicated as soon as the papers were forwarded, our committee, the Senate Armed Services Committee, would review it in the context of our authority to review the change of position and assignments of general and flag officers. It is in that context that we would have a hearing on this nomination. I hope thereafter we can report it to the floor and that the Senate will act favorably upon it.

I thank the Chair for its customary indulgence on this, and thank my colleague from Connecticut. I ask unanimous consent that list be printed in the RECORD.

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

Rank/name	Position	From	To
GEN Alexander Haig	Military Assistant to the Presidential Assistant for National Security Affairs	1969	1970
GEN Alexander Haig	Deputy National Security Advisor	1970	1973
GEN Alexander Haig	White House Chief of Staff (Nixon)	1973	1974
LTG Brent Scowcroft	Deputy National Security Advisor	1973	1975
ADM John Poindexter	Deputy National Security Advisor	1983	1985
ADM John Poindexter	National Security Advisor	1985	1986
LTG Colin Powell, USA	Deputy National Security Advisor	1987	1987
LTG Colin Powell, USA	National Security Advisor	1987	1989
LTG Donald Kerrick, USAF	Deputy Assistant to the President for National Security Affairs	1997	1999
LTG Donald Kerrick, USAF	Deputy National Security Advisor	2000	2000
GEN Michael Hayden, USAF	Director of Central Intelligence	2006	Present

MORNING BUSINESS

Mr. DODD. Madam President, I ask unanimous consent the Senate be in morning business, and each Senator be allowed to speak for no more than 10 minutes each.

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

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank the Chair.

(The remarks of Mr. DODD pertaining to the submission of S. Res. 207 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Florida is recognized.

CONGRATULATING SENATOR CONRAD

Mr. NELSON of Florida. I congratulate Senator CONRAD, the chairman of

the Budget Committee, who has done an absolutely masterful job in charting the boat of the Budget Committee through considerably hazardous waters, to be able to end up with a vote like he did today, 52 to 40, in the passage of the budget.

It is a budget that clearly is trying to accommodate enormous spending that we have to do for the defense establishment, for the national security needs of this country, and at the same time, to attack the issue of how we are going to pay for it.

The reality is, there are certain taxes we recognize we are going to have to do something about, because if we don't, it is going to hit the middle class. We have to do something about the 10-percent level for the lower income group. We have to do something about the child tax credit. Since all of them are tax cuts, it is going to cost revenue. We even have to tackle the issue of the estate tax, trying to craft a compromise which in this bill allows for then the Finance Committee to approach an exemption of $3.5 million per person of the estate tax and then reduce the tax rate from 55 to 45 percent that the balance of the estate would be taxed. That would protect the family farms, the family businesses, the vast majority of them in the country.

I compliment the Senator from North Dakota, who has had to be so dextrous and so insightful. Every little jot and tittle, every nuance he has had to attend to. It is a real confirmation of his ability that he gets a resounding vote as he did today on passage of the budget.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

APPOINTMENT OF CONFEREES—H.R. 2206

The PRESIDING OFFICER. The Chair, as to H.R. 2206, appoints Mr. BYRD, Mr. INOUYE, Mr. REID, Mr. COCHRAN, and Mr. MCCONNELL conferees on the part of the Senate.

Mr. NELSON of Florida. 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.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

APPOINTMENT OF CONFEREES—H.R. 1495

The PRESIDING OFFICER. The Chair, as to H.R. 1495, appoints Mrs. BOXER, Mr. BAUCUS, Mr. LIEBERMAN, Mr. CARPER, Mrs. CLINTON, Mr. LAUTENBERG, Mr. INHOFE, Mr. WARNER, Mr. VOINOVICH, Mr. ISAKSON, and Mr. VITTER conferees on the part of the Senate.

Mr. NELSON of Florida. 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.

The PRESIDING OFFICER. The Senator from New Jersey.

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

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

IMMIGRATION REFORM

Mr. MENENDEZ. Mr. President, over the coming week the Senate has a historic opportunity to move forward with tough, smart, and fair comprehensive immigration reform that secures our borders, that ensures our economy continues to thrive, that protects American workers, and that at the same time undoes the process of committing millions of people to languish in the darkness and be exploited, or we can choose to abdicate our responsibilities and tacitly maintain the status quo of failed laws and a broken immigration system that is weak enforcement, that leaves our borders and our citizens unsecured and at the same time permits human exploitation to continue.

As a group, several Senators, including myself, have been meeting and negotiating on comprehensive immigration reform over the past couple of months. I appreciate the President making Secretary Chertoff and Secretary Gutierrez available to try to reach an agreement that would do those things.

I have come, during the course of that process with other colleagues, to a better understanding of my colleagues and their thoughts on this issue through the many hours we have spent talking together about solving the immigration problems, though I have not always agreed with them. I would like to believe our discussions were serious, thorough, and in good faith. At times they were productive, at other times they hit obstacles, but when one considers the enormity of the task at hand, along with what is at stake, one would have to be naive in thinking this would be an easy process.

One thing we know for sure is that beginning next week, if cloture is invoked, an immigrating bill, in some form, will be considered on the floor of the Senate. I sincerely appreciate the commitment in regard to the time spent and the thought invested on this issue from all sides involved. The amount of work that has been put into this effort represents the interest level, not to mention the stakes.

I will say, however, that in large part, part of the problem in getting agreement this year was where the administration started off in their proposal, which acted as a marker in these negotiations. From the minute I saw that proposal, it was clear to me we were no longer where we were last year on this issue.

Last year, we passed a bipartisan bill, one that a majority of Americans could get behind. It was a historic effort that joined 23 Republicans with 39 Democrats to address an issue of urgent national importance. The bill is the basis of what Majority Leader REID has scheduled a cloture vote for next Monday afternoon. I do hope we will be able to get a vote to be able to continue to proceed. I appreciate the majority leader making this issue a priority, having given us 2 months of lead time, telling us a very significant part of the Senate's calendar was being reserved for this debate. I appreciate his leadership in that regard.

However, unfortunately, the administration, along with several of our colleagues on the other side of the aisle, decided to radically alter their views and began the process this year with a far more impractical, in my mind, far more partisan proposal. Evidently, the White House convinced itself that it must have the support of some Republican Senators who opposed and worked to defeat last year's bill in order to pass something this year. Therefore, the White House has proposed an immigration reform plan that is far to the right of the Senate's passed bill of a year ago.

Let me tell you what I believe the principles should be as to how the Senate should guide itself as it debates next week. I believe any immigration reform we pass must be tough in terms of the security of our country, it must be fair, it must be workable, it must be comprehensive in nature; that preserves, among other things, family values, keeps us safe as a country, rewards hard work and sacrifice, benefits all Americans, and promotes safe, legal, and orderly immigration. Now, I could not sign on to the agreement announced in principle earlier today because, in my mind, it does not meet the principles I just described.

Mr. President, I ask unanimous consent to just state that very briefly in Spanish.

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

Mr. MENENDEZ. (Speaking in Spanish.)

Mr. President, what I just said is I could not sign on to the agreement announced in principle because it tears families apart, and it says to many that they are only good enough to work here but not good enough to stay. Depending upon the category of individuals, it levies rather high penalties and fines, and it does not provide the confidentiality or judicial review necessary to bring those people who are undocumented in the country out of the shadows and into the light.

Now, I have serious concerns about the workability and the fairness of the