

about anything, but she remembered a few things. The fact that my father-in-law came from Russia, my grandmother came from England makes us a better country. Immigrants are the strength of this country. This legislation honors that fact.

We need to proceed with this legislation and send the American people a better life for everybody. That is what this legislation will do. It will allow us to solve the problem, secure our borders, have a temporary worker program that meets the demands of our country, and put 12 million people on a pathway to legalization. As Secretary Gutierrez said, it is not amnesty. If we do nothing, there is silent amnesty. What this bill does is make sure that people learn English. It makes sure they pay their taxes. It makes sure they work, stay out of trouble, pay penalties and fines. Even then, they go to the back of the line. Remember, these people, whether we like it or not, have American children. This will allow them to come out of the shadows, be productive citizens and with the great work we have done on border security, stop illegals from coming into the country in the future. That is what this legislation is all about. It is good legislation. We have an obligation, as the legislative branch of Government, to do something to work with the President and get this passed.

#### CLOTURE MOTION

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

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, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 66, H.R. 800, the Free Choice Act of 2007.

Harry Reid, Ted Kennedy, Patty Murray, Bernard Sanders, Charles Schumer, Russell D. Feingold, Jack Reed, Barack Obama, Christopher Dodd, B.A. Mikulski, Pat Leahy, John Kerry, Robert Menendez, Claire McCaskill, Debbie Stabenow, Frank R. Lautenberg, Joe Biden, H.R. Clinton.

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 the motion to proceed to H.R. 800, an act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes, 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.

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

The yeas and nays resulted—yeas 51, nays 48, as follows:

[Rollcall Vote No. 227 Leg.]

#### YEAS—51

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

#### NAYS—48

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McCain
Bennett	Domenici	McConnell
Bond	Ensign	Murkowski
Brownback	Enzi	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Voinovich
Craig	Lott	Warner

#### NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this question, the yeas are 51, the nays are 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

#### CLOTURE MOTION

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

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, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 208, S. 1639, Immigration.

Ted Kennedy, Russell D. Feingold, Daniel K. Inouye, Tom Carper, Sheldon Whitehouse, Pat Leahy, Richard J. Durbin, Benjamin L. Cardin, Ken Salazar, Frank R. Lautenberg, Joe Lieberman, Dianne Feinstein, John Kerry, Charles Schumer, Ben Nelson, B.A. Mikulski.

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 the motion to proceed to S. 1639, a bill to provide for comprehensive immigration reform, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 228 Leg.]

#### YEAS—64

Akaka	Feingold	Menendez
Bennett	Feinstein	Mikulski
Biden	Graham	Murkowski
Bingaman	Gregg	Murray
Bond	Hagel	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Brown	Inouye	Obama
Brownback	Kennedy	Pryor
Burr	Kerry	Reed
Cantwell	Klobuchar	Reid
Cardin	Kohl	Salazar
Carper	Kyl	Schumer
Casey	Lautenberg	Snowe
Clinton	Leahy	Specter
Coleman	Levin	Stevens
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Craig	Lott	Webb
Dodd	Lugar	Whitehouse
Domenici	Martinez	Wyden
Durbin	McCain	
Ensign	McConnell	

#### NAYS—35

Alexander	Crapo	Roberts
Allard	DeMint	Rockefeller
Barrasso	Dole	Sanders
Baucus	Dorgan	Sessions
Bayh	Enzi	Shelby
Bunning	Grassley	Smith
Byrd	Hatch	Stabenow
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Tester
Cochran	Isakson	Thune
Corker	Landrieu	Vitter
Cornyn	McCaskill	

#### NOT VOTING—1

Johnson

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

#### RECESS

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

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. REID. 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.

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.

The majority leader is recognized.

#### UNANIMOUS CONSENT REQUEST— H.R. 1

Mr. REID. Mr. President, despite the fact that we are fast approaching the 6-year anniversary since the terrible terrorist attacks of September 11, it is painfully clear we have much work left

to do to protect this Nation from these awful attacks. Osama bin Laden and his No. 2 still remain at large, and al-Qaida has grown in strength and is determined to attack globally. The administration's failed Iraq policy has catalyzed a whole new generation of extremists who can be expected to carry out attacks against the U.S. and our friends around the world. Objective analyses, including the final report of the 9/11 Commission, conclude that this Nation has failed to take the steps necessary to protect America from terrorist attacks.

We need only go back to look at the report card the Bush administration received in implementing the 9/11 Commission Report: Ds and Fs. The threats the 9/11 Commission talked about and are encompassed in this bill are real and growing. When Democrats took control of the Congress at the start of this year, we said we would finally and fully implement the unanimous recommendations of the bipartisan 9/11 Commission. It is something we fought for when we were in the minority, and it was one of the first bills we passed at the start of this session of Congress.

The House passed its version early this year, January 9, by a vote of 299 to 128—broad bipartisan support. We passed our bill on March 13. It, too, had bipartisan support, passing 60 to 38.

As my colleagues know, Democrats and Republicans who serve on the House and Senate committees with jurisdiction over this bill have worked tirelessly to resolve the differences in these two bills. I have had numerous conversations with Chairman LIEBERMAN. This preconference process has carried on for months, on a bipartisan basis, with full transparency and good-faith efforts to produce a final bill. Progress has been made.

The American people, though, don't expect progress. They expect results, and that is what we need. We need to finish the work on this bill yesterday—as soon as possible. That is why I believe we need to take the next procedural step to finish these negotiations, to appoint conferees. That is what we normally would do.

When this bill is finally signed into law, it will make America more secure. It will improve the morale, training, and efficiency of the TSA screening workforce, allowing them to work more effectively to protect air travelers. It will improve the screening of all maritime cargo—all maritime cargo—so Americans can be assured we are doing all we can to prevent the smuggling of weapons—even a nuclear weapon—through America's ports. It will improve the congressional oversight of intelligence to be sure we are building the best capabilities possible to stop terrorist attacks. It will improve communication sharing and communications interoperability among first responders so they can work swiftly to protect us from terrorist attacks. It will ensure that transportation and mass transit infrastructures are hardened against terrorist attacks.

We need to work together to protect the American people from terrorism, and we need to do so immediately. We asked numerous times in the last Congress to be able to finish the 9/11 bill, and we were denied that ability. I would hope that this unanimous consent request allowing us to go to conference would be granted.

I am told the minority is going to object to this request that we go to conference. That is too bad. Although Senate Republicans have thrown procedural hurdles in front of virtually everything we have tried to do in the Senate this year, I was hoping they would reconsider their obstruction when it comes to getting through legislation that makes America more secure. There have been issues raised, but couldn't we handle these in conference?

Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 1, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken and the text of S. 4, as passed by the Senate on March 13, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, on behalf of the minority, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I say to my distinguished friend, the Senator from Oklahoma, we are glad to have you back. We are glad the medical procedure went well and that you are back with the same fighting spirit you had the first day you came here. We are happy to have you back.

Mr. President, I will renew my request at a subsequent time, and probably a few more times, until we get this done. I think a number of people have had calls from the 9/11 survivors, those people who lost loved ones in the 9/11 attack. They want us to get this done. We need to get this done. This is an issue that affects the safety and security of our Nation.

So I would hope that there would be a reconsideration of this objection at a subsequent time because I am going to continue to offer this until we are able to go to conference.

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.

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

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

#### UNANIMOUS CONSENT REQUEST— S. 4 AND H.R. 1

Mr. KYL. Mr. President, I would like to propound a unanimous consent request, please.

I ask unanimous consent that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation; that is, H.R. 1 and S. 4, that compromises the security of America's transportation system by eliminating the flexibility given to the Transportation Security Administration to manage its employees to most effectively counter terrorist threats against Americans.

Before the Chair responds, if I could just make a very brief statement.

The President has clearly said he will veto any measure that makes collective bargaining rights for airport screeners a higher priority than protecting our national security and defeating terrorists. Passing a conference report that includes such a provision would be an exercise in futility and a waste of time, as the legislation would certainly be vetoed. We should be working to write a conference report that we know can be signed into law so we can enhance our national security and better protect the American people from the terrorists we know are plotting every day to harm us.

Mr. President, I renew my request that it not be in order for the Senate to consider any conference report on the 9/11 Commission legislation that compromises our national security by eliminating the critical personnel management flexibility given to the Transportation Security Administration to enable it to respond to terrorist threats.

The PRESIDING OFFICER. Is there objection? The majority leader is recognized.

Mr. REID. Mr. President, I very much appreciate the minority coming forward and outlining their objections to the 9/11 bill. It seems pretty clear that the objection deals with collective bargaining, which is in the Senate-passed version of the bill. I appreciate very much that being on the record.

It seems, that being the case, we at least know what we are dealing with. It appears if that weren't in the bill—but it is in the bill—we could go to conference.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is heard.

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