

to the consideration of Calendar No. 852, H.R. 5690.

The PRESIDING OFFICER. Is there objection?

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5690) to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, with an amendment, as follows:

H.R. 5690

On page 2, strike line 12 through the end of line 21 and insert the following:

(a) EXEMPTION AUTHORITY.—*The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine, in such Secretary's sole and unreviewable discretion, that paragraphs (2)(A)(i)(I), (2)(B), and (3)(B) (other than clause (i)(II)) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in association with the African National Congress in opposition to apartheid rule in South Africa.*

Mr. LEAHY. Mr. President, I am very pleased the Senate will pass this legislation to exempt the African National Congress from designation under the Immigration and Nationality Act as a "terrorist" organization.

The historic role that the African National Congress played in ending the era of Apartheid in South Africa is well known, and I suspect that its designation as a terrorist organization is a surprise to many Americans. That the organization Nelson Mandela helped create to fight against an official policy of racism is deemed a terrorist organization is wrong and should be corrected.

I commend Senator KERRY and Congressman BERMAN for their attention to this issue, and the Members of the Judiciary Committee—Senators BIDEN, SCHUMER, WHITEHOUSE, FEINGOLD, and CARDIN—who have lent their support to this effort.

The overly broad laws Congress passed in haste after September 11, 2001, continue to unnecessarily bar legitimate asylum seekers from the sanctuary of the United States. I worked to ensure that the administration has the authority to waive these laws for organizations and individuals, but the administration has been unwilling to exercise this authority of its own accord.

Secretary Rice quite rightly pointed out that her government counterpart in South Africa must apply for a waiver of the material support bar in order to enter the United States for an official visit, and that it is an embarrassment. I would hope and expect that this embarrassment is no less acute when victims of violent conflicts are denied asylum in the United States because of these same laws.

The Judiciary Committee's recent oversight hearing with Secretary Chertoff was an example of an administration that will only make the tough, but correct decisions when the scrutiny or public embarrassment becomes too much. At this hearing, Secretary Chertoff announced that the Department of Homeland Security (DHS) reversed its position on a green card denial for an Iraqi who had been admitted into the United States on a special visa from Iraq. Salam Kareem Ahmad entered the United States after working as a translator for U.S. Marines in Iraq, and after receiving commendation from General Petraeus, only to be denied a green card by the administration.

Despite all of the administration's rhetoric about its commitment to freedom and democracy, DHS determined that Mr. Ahmad's involvement with an anti-Saddam Hussein group, the Kurdish Democratic Party, amounted to involvement with a terrorist organization. It should not take political pressure and media scrutiny to do the right thing. But in light of the administration's inattention to resolving injustices created by the material support bars, Congress is once again compelled to do what the administration can and should be doing on its own.

There is much work to be done by Congress and the next administration to fully resolve the terrible consequences these laws have brought about. I intend to continue working toward ensuring that our immigration and asylum laws are not used in a manner to harm those who come to the United States seeking its refuge and assistance. Our policies concerning asylum seekers have demonstrated America's commitment to human rights. The material support and terrorism bars that have prevented so many from our protection are a blemish on this legacy.

Mr. KYL. Mr. President, I rise to say a few words about the impending passage of H.R. 5690 and my amendment to that bill. My amendment narrows the individualized waiver provisions in the bill by excluding from waiver eligibility persons who are convicted of controlled-substances offenses and those for whom there is reason to believe that they will engage in terrorist activity after entry into the United States. The amendment also requires that the activities for which waiver is sought have been conducted "in association with the African National Congress."

With my amendment, the bill's grant of authority does not exceed that created by section 691 of the Consolidated Appropriations Act, 2008, on which I commented on December 18 of last year. Separate legislation is not needed to exempt Class III groups that are eligible for a waiver under section 691, a class that surely includes the African National Congress. I hope that in the future such matters will be addressed administratively rather than legisla-

tively. Nevertheless, by enacting today's bill we impress upon the executive the importance of exercising that authority in a prompt and thorough manner. We trust, of course, that the executive will not use such authority to grant waivers to persons who, for example, engaged in violence that was deliberately targeted at innocent civilians. But we do expect the relevant agencies to act to avoid the diplomatic embarrassments of the past. With the changes made by my amendment, I commend H.R. 5690 to my colleagues.

Mr. REID. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill, as amended, be read the third time, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

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

The committee amendment was agreed to.

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

The bill was read the third time.

The bill (H.R. 5690), as amended, was passed.

UNANIMOUS CONSENT REQUEST— H.R. 6331

Mr. MCCONNELL. Mr. President, with regard to the Medicare issue upon which we just voted, we have had a number of discussions in the course of the week about the way forward. Senator GRASSLEY has made it clear he would like to lead us in negotiations with the majority, represented by Senator BAUCUS, to bring us together to get this Medicare extension completed. The way to do it is on a bipartisan basis.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate bill, which I will send to the desk. It is a clean 30-day extension of the Medicare payments bill.

Mr. President, I ask unanimous consent that the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object. We are seeing another partisan game being played on something that affects the American people.

I have laid out in detail what this legislation does and what will happen to the American people if it doesn't pass. Obviously, the Republicans in the Senate have done what they feel is appropriate and that is to wipe out Medicare as we know it today.

People can chuckle all they want, but the senior citizens in America today and the health care delivery system are not chuckling. This is very important.

What has happened in this legislation tonight is detrimental to the health care delivery system, which is precarious at best even now.

There are no winners in their game—the game of the Republicans. It is noteworthy here—

Mr. MCCONNELL. Is my good friend objecting to my request?

Mr. REID. Mr. President, I am objecting, and I will use leader time to make a statement.

It is obvious that everybody can see there were 59 votes in favor of this. We needed 60. They have played this game before, going only to 59, and they are going to try to wiggle out of it some way. The only way to wiggle out of this is to accept this legislation.

My friend, the Republican leader, said he wants Ranking Member GRASSLEY to lead us to a bipartisan agreement. We have a leader. He is called the chairman of the committee. He is the chairman of the Finance Committee, MAX BAUCUS, one of the most experienced Members of this body. And he also has some experience in the other body. He led us to what is the right thing to do.

The majority of the Senate—in fact, 59 Senators—approved what we are trying to do today. I say to all my friends, even if this request were granted and I laid this out in some detail, the House would not be able to pass it.

I wish I could use a better term, but I did not graduate from Harvard, Yale, or Princeton. This is a phony excuse, this is a phony exercise and leads us only down one path—no help for patients and cuts for doctors.

By the way, I don't mean to disparage those schools. They are OK.

If my Republican friends truly wanted to prevent the physician fee cut from taking effect, they would have supported passage of this bill. In the record that is now before this body are more than 200 organizations that are begging that this legislation pass. This is the only bill we can send to the President in time to meet the deadline, the deadline that is established by law, July 1. The House did its work. They passed a bipartisan compromise by a 6-to-1 margin, 355 House Members to 59.

Moreover, even if the 31-day proposal could be passed, it does not solve any problems. It is an administrative nightmare. Medicare physicians and the beneficiaries they serve want the House-passed bill. They are not served by this false proposal.

I, of course, object, as I hope the record reflects, to this request and hope that my Republican colleagues will finally—one more, we only need one, one more Republican will do the right thing. I have said we are all here by virtue of being elected by our respective States. I had out here earlier today our Velcro chart, 79 filibusters. Is it any wonder that the House seats that came up during the off year—Hastert's went Republican, a Republican district that went Democratic; a seat in Louisiana that was a longtime

Republican seat went Democratic. Is it any wonder that the State of Mississippi sent us a Democratic House Member? It is no wonder because they see what is going on over here.

I am very sorry for the people of our country that this legislation did not pass. But I want the record spread—Democrats to the number, every one of us, except Senator KENNEDY, who is ill, voted for this legislation. If Senator KENNEDY was not ill, he would have been here to vote. He would have been the 60th vote. We understand they probably would have peeled off 1 and it would have been 59.

The record should reflect that Democrats support this legislation because it is good for the American people. A majority of the Senate, 59 Members of the Senate, voted for this legislation. We will be back, and my colleagues will have another opportunity to vote for this bill. It will be led by the chairman of the Finance Committee, Senator BAUCUS.

Mr. MCCONNELL. Mr. President, I believe I have the floor.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. I believe I have the floor.

The path the majority leader just recommended we go down leads to a Presidential veto and an expiration of this law at the end of the week and a certain doc fix rejection. In other words, the doctors cut is going to go into effect at the end of this month because of this recalcitrant view, this excessively partisan approach that refuses to accept any input from this side of the aisle.

We have all known the way forward. In fact, Senator GRASSLEY and Senator BAUCUS working together started the way forward months ago by working together to get a bipartisan agreement, which is the way we have typically done these periodic Medicare bills. But, no, my good friend the majority leader jerks him back in and says: We want to do this on a strictly partisan basis. We don't care whether the President will veto the bill.

Here we are a few days before the doctors receive this unconscionable cut, and the majority is saying it is more important to play politics with this issue, to brag about the fact there are 59 Democrats who voted to go forward, to talk, of all things, during the Medicare debate about who won special elections for the House of Representatives in Illinois, Mississippi, or Louisiana. What in the world does that have to do with the subject matter?

The subject matter before us is not playing political games not bragging about the fact that every Democrat voted to go forward. We ought to be talking about the reality of this situation. And the reality is that the refusal of the majority to approach this issue on a bipartisan basis, as has been typically done in the past, will lead to a Presidential veto, a reduction in the reimbursement rates for doctors, an ex-

piration at the end of the week. There is a way forward to get back together like we have typically done on this, and that is to approve a 30-day extension.

My good friend the majority leader has just objected to an opportunity to prevent the physicians' reduction we all agree should not occur. He is objecting to it. So even the most casual observer could not miss the point.

You have an opportunity to prevent the physicians' pay reimbursement reduction or let the law expire at the end of the week. That is the choice. It is perfectly clear.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am sure it was a Freudian slip—59 Democrats voted for this. But next year at this time, there will be 59 Democrats at least. We have a situation where we have a clear bipartisan piece of legislation. How bad could it be? Mr. President, 355 Members of the House of Representatives.

The Founding Fathers set up two equal branches within the legislative branch. The House is just as powerful as we are. They have every right to do what they think is right, as we do, and they, on a bipartisan basis, 6 to 1, passed this bill. We are not jamming anything down anyone's throat. The House of Representatives passed this on a bipartisan basis because it was the right thing to do. We have read into the RECORD the apology of one of the 59 who recognized he voted wrong, and he apologized.

Mr. MCCONNELL. Mr. President, will the majority leader yield for a question?

Mr. REID. In just a minute. A veto by the President? Gee whiz, who would be afraid of him? He has a 29-percent approval rating. How in the world could anybody be afraid of him vetoing a bill? I cannot imagine why anyone would care about that.

We have tried to pass tonight on the Senate floor a bill we received from the House of Representatives that was approved by Republicans and Democrats. It has been through the committee process over there and over here as a result of all the work that has been done. And to think at this late hour, recognizing the House is not going to do anything—the Speaker has told us that. They passed a bill 6 to 1. Why would we even think they would take anything? The Speaker and the majority leader of the House said: We are not going to deal with this anymore.

We are going to have another opportunity—I want everyone over here, all my friends to understand that during the next 10 days, think about how you are going to vote on this the next time because you are going to have that opportunity. You go home and explain to all the 200-plus organizations whose names are in this RECORD right now, explain to them how you were doing the right thing because you were afraid

President Bush was going to veto a bill.

I will be happy to yield for a question.

Mr. MCCONNELL. When the President of the United States vetoes a bill, it doesn't become law, right, unless it is overridden?

Mr. REID. Absolute truth.

Mr. MCCONNELL. So if the President vetoes this bill, it is not likely that the fix will be prevented at the end of the week; is that right?

Mr. REID. I say to my friend and I say I don't know how many people are up here for reelection, but I am watching a few of them pretty closely, I say to all these people who are up for reelection: If you think you can go home and say, I voted no because this weak President, the weakest political standing since they have done polling, I voted because I was afraid to override his veto—come on.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. We probably don't need to prolong it much further, but in spite of the political observations of my good friend, the fact is, the President, as a matter of principle, will not sign this bill. At the end of the week, the doctors' reduction in reimbursement will go into effect. There is a way to prevent that, and that is to do a short-term extension to give us an opportunity to do what we have done in the past on these measures, and that is negotiate a settlement. That has been prevented by my good friend.

I think we have discussed this issue long enough. We have others waiting to debate the supplemental.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to H.R. 6331 is withdrawn, and the bill is returned to the calendar.

SUPPLEMENTAL APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. The Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, That the House agree to the amendments of the Senate to the amendments of the House to the amendment of the Senate to the bill (H.R. 2642) entitled "An Act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes," with amendments.

The PRESIDING OFFICER. Under the previous order, the motion to concur in the House amendments to the Senate amendment to the House amendment to the Senate amendment to the bill is considered made.

The Senator from Virginia is recognized.

Mr. WEBB. Are we in order to proceed on the supplemental?

The PRESIDING OFFICER. The Senator is recognized for up to 5 minutes.

Mr. WEBB. Mr. President, I don't expect very many people to vote against

this supplemental. It comes to us from the House with a vote, I recall, of 416 to 12. The President asked for most of the provisions in this bill. The one provision I would like to speak very briefly about tonight is the GI bill provision that is in this supplemental. This is not an expansion of veterans' benefits. This is a new program. This is the first wartime GI bill benefit since Vietnam.

I wish to thank very much people on both sides of the aisle for all the work we have been able to do. There were 11 Republicans who cosponsored this provision, in addition to others who voted for it the first time around. There were more than 300 sponsors in the House. Those sponsors in the House included 90 Republicans.

I especially express my appreciation to Senator HAGEL and Senator WARNER, as well as Senator LAUTENBERG, for being the principal cosponsors along with me on this measure, also Chairman AKAKA of the Veterans' Affairs Committee and the majority leader, who was with us early on.

There are people on my staff who were working on this every day for 18 months, it is a very complex bill: Paul Reagan, my chief of staff; Michael Sozan, my legislative director; William Edwards, my legislative assistant for veterans' affairs; Jacki Ball; Jessica Smith and Kimberly Hunter, who are on our communications staff; Phillip Thompson and Mac McGarvey, both former Marines, who worked hard early on. And those from the staff of the Committee on Veterans' Affairs: Bill Brew, staff director, and Babette Polzer.

This is a landmark piece of legislation that will be in this provision. There are going to be a lot of veterans in the United States who are going to be very happy with the Senate tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I know the time is late. This is a very important bill. It is one that has many good features, and the good features certainly outweigh the bad features. I know we never get everything we want in Congress. We certainly heard a lot about that a few minutes ago. I wish to talk about a couple of very important parts of this bill.

Also in the GI bill is something I worked very hard to put in that bill, which is the transferability of the education benefits that a person in the military now is able to transfer to a spouse or children.

There are many people who don't want to leave the military to take that education opportunity, but they would love to give their spouse or their child that opportunity. It is now in this bill. Very important.

It also incorporates a bill that I introduced early this year, again, for veterans. Who would have thought, Mr. President, that someone who dies serving our country in Iraq and leaves be-

hind a \$300 bill due the Veterans' Administration for education benefits—that they were not able to finish because they gave their life in the war—would then get a bill from the Veterans' Administration for that \$385? In fact, Mr. President, that is what has been happening since we went into the war on terror.

The Secretary of Veterans Affairs asked me to introduce a bill so he would not have to do that because he knew it was wrong and that we wouldn't want it being done. This bill we are voting on tonight will go retroactive to 9/11, 2001, and it will assure that every family who has been sent a bill and paid that bill, after their loved one has died in service to their country, will be reimbursed, and no bill will ever go out again. That is in this bill, and I am very proud we finally passed it.

Also in this bill is the Merida Initiative, as part of the supplemental. In my home State, and all the border States with Mexico, we are seeing violence with drug cartels that are now targeting our law enforcement officers on our side of the border as well as those in Mexico. They are dying trying to stop the drug cartels that are importing drugs into our country. The Merida Initiative that President Bush and President Calderon have put together is a part of this supplemental. I had hoped that we could also help our local law enforcement officials who do not have the equipment they need to deal with these more violent, more sophisticated drug cartels, but I am telling you right now I am going to pursue that in the next bill we pass that is an appropriations bill because our local law enforcement officials are certainly in need of our help.

We didn't get that in this bill, and I am disappointed, but there will be another day. We have to do this together. We have to stop the drug infusion into our country and stop these heinous crimes that are being committed by the drug cartels in Mexico.

So I support this bill. I hope we will all support it. It is a supplemental. Most of it is what the President asked for. We didn't all get what we wanted, but it is a worthy bill to support.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I plan to raise a point of order in a moment, but first I wish to make a statement.

The emergency spending bill being considered by the Senate would provide \$210 million for the 2010 Census. No strings are attached to the funding, giving the Census Bureau freedom to spend the money in any way it chooses. While the mission of the Census Bureau is vitally important because of its role in apportioning the House of Representatives and the distribution of billions of dollars in federal grants, the agency has proved to be notoriously bad at spending taxpayer money—and the last thing Congress should do is provide more.