

[Rollcall Vote No. 230 Leg.]

YEAS—79

Akaka	Dodd	Martinez
Alexander	Domenici	Menendez
Allard	Durbin	Mikulski
Barrasso	Ensign	Murkowski
Bennett	Enzi	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Obama
Bond	Graham	Reed
Boxer	Grassley	Reid
Brownback	Harkin	Roberts
Bunning	Hatch	Salazar
Burr	Hutchison	Sanders
Byrd	Inhofe	Schumer
Cantwell	Inouye	Shelby
Cardin	Isakson	Smith
Carper	Kennedy	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Thune
Collins	Lautenberg	Voivovich
Conrad	Leahy	Warner
Corker	Levin	Whitehouse
Cornyn	Lieberman	Wyden
Craig	Lott	
Crapo	Lugar	

NAYS—18

Baucus	Gregg	Pryor
Bayh	Hagel	Rockefeller
Brown	Lincoln	Sessions
DeMint	McCaskill	Tester
Dole	McConnell	Vitter
Dorgan	Nelson (NE)	Webb

NOT VOTING—3

Clinton	Johnson	McCain
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The motion to table was agreed to.

Ms. KLOBUCHAR. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1704, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1704) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the bill be read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The bill (S. 1704) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "First Higher Education Extension Act of 2007".

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109-81; 20 U.S.C. 1001 note) is amended by striking "June 30, 2007" and inserting "July 31, 2007".

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109-171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

Ms. KLOBUCHAR. 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. SESSIONS. 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. SESSIONS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Senator from Alabama is recognized under the previous unanimous consent agreement until the time of 2:30 p.m. for the purpose of debate only.

IMMIGRATION

Mr. SESSIONS. Mr. President, I say to my colleagues, the process has not been a pretty one to date. It has been particularly ugly in the last few hours in that we had an amendment yesterday of nearly 400 pages. The people who wrote it apparently found that they made numerous errors which even they were not happy with. They filed another amendment which our Senators don't have a copy of, I don't think even to this moment. At least an hour ago, Senator DEMINT was asking for a copy of the amendment so people could see it and actually read what is to be voted on. It is not good, on a matter that almost every American is watching, a matter that is important to our country, to stumble and bumble into this process, and part of the reason, as my good friend and former chairman of the Judiciary Committee, ARLEN SPECTER, said, it would have been better probably had we gone through the committee process. When he was chairman of the committee, it did go through the committee process. It didn't do a lot of good, but at least it was looked at in some of the areas that are inevitably fixed when we go through that kind of process. So I am worried about this process.

The procedure the majority leader has chosen, and he says he has support of some kind from the Republican leadership side—I assume he does—he has chosen to utilize a procedure never before used in this Senate. That procedure will allow the majority leader, Senator REID, to have the power to approve every amendment that will be offered to this legislation. If it is not

part of his clay pigeon, you are not in. If some other amendment is offered and accepted, it is because he decided it is appropriate. He could well accept amendments that he knows are going to fail. He could well accept amendments that he doesn't mind passing. But he picks the amendments. That has never happened in the history of the Senate, never happened in this fashion before.

We must not allow that procedure to happen now. There will be opportunities for us, before this process is over, to execute votes that will demonstrate we don't accept this process, and it should be a big part of any Senator's vote as we go forward with this process.

Mr. President, I have to say to my colleagues, as I indicated to the majority leader earlier, what would Paul Wellstone say, that great liberal advocate, a Senator who enjoyed standing alone, or Senator Jesse Helms, that great conservative who enjoyed standing alone, both doing what they believed was right, something we take great pride in as an institution.

We do not have a lot of power here, but if you don't agree to unanimous consent requests and you are consistent in your advocacy of positions you deeply believe in, you can get a vote. Under this procedure you do not get a vote. I offered amendment after amendment before when this bill was before the Senate. As a result, the leadership on the other side objected. I could not get those amendments pending, and that leaves us unable to get a final vote postcloture.

I am not exaggerating. It has never been done before. It allows the majority leader, under the procedure that is being used today, to completely approve or disapprove of whether an amendment gets voted on. So I object to that process. It is not right. We should not be doing it, and we shouldn't be doing it on a bill that is 750 pages with a 300- or 400-page amendment that goes to some issues that are important to America.

Let me share with my colleagues my concerns about this legislation. I will try to summarize it and go right to the point.

Senator REID, the President, the President's Cabinet members, leaders of the coalition, this grand bargain group—I call them affectionately the masters of the universe—they all tell us this bill is going to fix illegality, and if we don't vote for this legislation, somehow legality will not happen. A group of us have written to the President asking him to utilize 13 special powers he already has under law that will dramatically reduce illegality in immigration. We have not heard from him.

We could do additional legislation that would help enforcement. I believe that is so. But the bill will not stop illegal immigration and, in fact, according to the Congressional Budget Office, June 4, they rendered their report and