

defense of this country, and I hope those leaders, particularly our Democratic leadership, are not going to put us in a position where we will not meet our responsibilities.

For the past 46 years, we have passed a Defense authorization bill. At the rate we are headed, even if we pass it, it is going to be vetoed because of amendments wholly unrelated to the Defense of this country. We need to pass a Defense appropriations bill, and we need to get on that quickly because the fiscal year is ending. For my colleagues' information, we are going to have to do something to continue to fund defense because if we do not pass a Defense authorization bill, the fact is that no money can be spent in the whole Department of Defense unless we are being attacked. It is very troubling, and it could have tremendous disruptive impacts throughout the entirety of our defense establishment.

Under the Antideficiency Act, if Congress does not appropriate money, the executive branch cannot spend it. It cannot spend what has not been appropriated. That is the Constitution, and that is what the Antideficiency Act says. The budget and last year's appropriations end September 30. We need to pass a new bill so we can go forward into next year.

We have a pretty good bill that came out of committee. There will be some disagreement here, there, and on a few other matters. We will bring those up, and good people will disagree. I certainly understand that point. We need to be working on those issues, not being distracted on matters unrelated to the core of defending America in this time of terrorism.

I share those thoughts and hopefully our colleagues in the leadership can continue to work and some way we can avoid the end toward which it appears we are heading.

I yield the floor and 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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.

Mr. REID. Mr. President, I heard one of my friends on the other side of the aisle come here this afternoon and talk about why we aren't getting more things done here; why are we doing the Defense authorization bill now; when are we going to do the Defense appropriations bill. Maybe they should have thought of that before they did 45 different filibusters here in the Senate. The Republican minority has stopped the work of this country. We have fought back with the very slim majority we have.

I will remind everyone within the sound of my voice that Senator JOHN-SON has been ill. He is back now, thank goodness. He is back. He overcame a

tremendous illness, and he is back with us. My majority was 50 to 49—that is, the Democratic majority—and we have had to fight, that little majority has had to fight everything that we have done. Everything. We had to file cloture on things they agreed with us on, just eating up valuable time here in the Senate. I am going to have to file cloture again tonight on another matter. This will be the third time we have worked on the Defense authorization bill. I am not going to belabor the point except to say this is the wrong thing to be talking about here: Why aren't we moving more quickly?

In spite of all the obstacles—procedural in nature—they have thrown up against us, we have done some remarkable things.

We passed an increase in the minimum wage for the first time in 10 years.

The President was forced to sign, even though he didn't like it—and he said so—the most sweeping ethics and lobbying reform in the history of this country.

We passed the 9/11 Commission recommendations that the President held up for years. And those he tried to implement, he got D's and F's on, but they are now law. We have done that.

Disaster relief for farmers and ranchers—we have done that for them. They waited years to get that done. Our slim majority was able to get that done.

We forced upon the President money to fight the wildfires which swept the West, fires caused by global warming.

A budget. We passed a balanced budget. Our majority was 50 to 49, and we passed a budget. The Republicans, with the huge majority they had, couldn't get a budget done. We got one done.

So, Mr. President, we have done some really good things here in spite of all these obstacles. I haven't mentioned all of them but just given an idea of what we have done working really hard. So I repeat: Don't come to the floor and lecture us on not getting things done here.

Mr. President, I call for regular order with respect to the Specter-Leahy amendment.

The PRESIDING OFFICER. The amendment is now pending.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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, hereby move to bring to a close debate on amendment No. 2022, regarding restoration of habeas corpus, top H.R. 1585, the Department of Defense Authorization bill.

Harry Reid, Dick Durbin, Carl Levin, Christopher Dodd, Jeff Bingaman, Barack Obama, Robert C. Byrd, Ken Salazar, Debbie Stabenow, Dianne Feinstein, Patrick Leahy, Sheldon

Whitehouse, Daniel K. Akaka, Russell D. Feingold, Amy Klobuchar, Bill Nelson.

Mr. REID. Mr. President, I would also add to the remarks I just made.

In addition to what I outlined earlier, look at what we have done on Iraq. We forced the President to debate this issue, to talk to us about this issue. The Republicans had to debate us. This war went on for years, and there wasn't even a congressional oversight hearing held. We have held hearings, and they have been opened up to this country. We helped uncover the scandal of Walter Reed, just to mention a few of the things we have done on Iraq, plus forcing on the President money to get body armor for the troops so the parents no longer had to buy them and up-armor-ing of vehicles we have forced upon the President.

MORNING BUSINESS

Mr. REID. I ask unanimous consent there now be a period for morning business, with Senators allowed to speak for a period not to exceed 10 minutes each.

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

NEW ATTORNEY GENERAL NOMINATION

Mr. LEAHY. Mr. President, earlier today, the President announced his intention that he will, at some appropriate time, send the nomination of Judge Michael Mukasey to the Hill to be the next Attorney General. When that nomination arrives, with the appropriate FBI clearance and all, the Judiciary Committee will approach consideration of this nomination in a serious and deliberate fashion.

The administration, of course, took many months in determining that a change in leadership was needed at the Department of Justice. Then after they made the determination they had to change the leadership, the President spent several weeks before making his nomination public. It wasn't until Saturday of this past weekend that I was told by the press whom he was going to nominate. Our focus now, of course, will be on securing the relevant information the committee needs to proceed to scheduling fair and thorough hearings, and we will do that.

I am not in any way critical of the President for taking so many weeks in deciding whom he wanted. In fact, I would compliment him on his decision not to go with some of the names that apparently were presented to him. I tried to stress to the President and others at the White House, with all the problems at the Department of Justice, that choosing a person who would be there solely for political purposes would not be a wise thing to do. I know the President had a number of names that would have fallen into that category, and to his credit, those names that would have created the greatest political problems were rejected.