

NAYS—3

Coburn	DeMint	Kyl
NOT VOTING—8		
Clinton	Hagel	McCain
Coleman	Kennedy	Obama
Domenici	Klobuchar	

The conference report was agreed to. Mr. DORGAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to, and I move to lay that motion on the table. The motion to lay on the table was agreed to.

HIGHER EDUCATION OPPORTUNITY ACT—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided. Ms. MIKULSKI. Mr. President, we are about to vote on the Higher Education Act. It is an excellent bipartisan bill, led by the architect of the bill, Senator TED KENNEDY, working with Senator MIKE ENZI.

We bring to the Senate a bill that expands opportunity, expands the Pell grants, simplifies the process, gets rid of cronyism in lending, and at the same time deals with important shortages with teachers and with nurses.

I think when you review the whole content, you will know that tonight this Senate can pass a great bill. And we say to our friend, Senator KENNEDY, who is watching this vote, "This one's for you, TED."

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I just ask my colleagues to vote for this bill, and I yield back the remainder of my time.

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 assistant legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), and the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 83, nays 8, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—83

Akaka	Dorgan	Murkowski
Allard	Durbin	Murray
Barrasso	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Bennett	Feinstein	Reed
Biden	Graham	Reid
Bingaman	Grassley	Roberts
Bond	Gregg	Rockefeller
Boxer	Harkin	Salazar
Brown	Hatch	Sanders
Brownback	Hutchison	Schumer
Bunning	Inouye	Shelby
Burr	Johnson	Smith
Byrd	Kerry	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Stevens
Carper	Lautenberg	Sununu
Casey	Leahy	Tester
Chambliss	Levin	Thune
Cochran	Lieberman	Vitter
Collins	Lincoln	Voivovich
Conrad	Lugar	Warner
Cornyn	Martinez	Webb
Craig	McCaskill	Whitehouse
Crapo	McConnell	Wicker
Dodd	Menendez	Wyden
Dole	Mikulski	

NAYS—8

Alexander	DeMint	Kyl
Coburn	Inhofe	Sessions
Corker	Isakson	

ANSWERED "PRESENT"—1

Snowe

NOT VOTING—8

Clinton	Hagel	McCain
Coleman	Kennedy	Obama
Domenici	Klobuchar	

The conference report was agreed to. Mr. REID. Mr. President, I move to reconsider the vote. Ms. MIKULSKI. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—MOTION TO PROCEED

Mr. REID. Mr. President, the Republican leader and I have had a number of conversations today. We know the caucuses on his side and my side are tired. We have had a very difficult few weeks. We have a few more things to do this work period. That work period can be a matter of hours or it could be the next day.

Most would like to finish it tonight. If we could move up the cloture vote on the motion to proceed to the Defense authorization bill, we could do that tonight. The issue, it turns out now, is how long that debate would take. On our side we need 10 minutes. Senator LEVIN wanted a half-hour. He cut that back to 10 minutes.

If we could have some agreement on the other side that we could take 10, 5 minutes, whatever is appropriate, we could finish that tonight and basically finish the work of the Senate for this work period and come back, renew our struggles in September.

I ask unanimous consent that we move to the Defense authorization bill, that the motion to invoke cloture on

that that was set for the morning, that we would do that following 10 minutes of debate controlled by the Senator from Michigan. The chairman of the committee would control 10 minutes, and whomever the Republican leader designates on his side would control whatever time they feel appropriate.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would say to my friend, the majority leader, we are prepared to vote right now.

A number of Members are prepared to have a vote immediately. I think we all understand what we are voting on. I am not sure many of our Members think any further debate about the whole issue of whether to go to the Defense bill at this particular time would be enlightened by any additional debate.

We have a number of Members who have plans who know how to vote and would be happy to vote.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this bill is worth spending 10 minutes on tonight. This is the Defense authorization bill. For heavens' sake, can we not set aside the frustrations we all have on this other issue and at least support our troops and come together and unify behind our troops?

Can we not at least set a time to take up the Defense authorization bill, which is critically important? We cannot do this on the appropriations bill. It would be legislating on an appropriations bill. This is a pay increase, special benefits, the BRAC implementation. This has to do with whether families are going to get support, whether we are going to hire nurses. This is the men and women in uniform who are in harm's way.

The suggestion is, we cannot spend 10 minutes to debate on whether to take up an authorization bill. We have never not passed an authorization bill. By law, we must pass an authorization bill or else all the authorities which are critically important to the men and women in uniform are not going to be passed.

This cannot just be another vote, another vote which divides us Republicans from Democrats. We have to unify behind this bill. Senator WARNER and I and the members of the Armed Services Committee have worked month after month after month to get this bill up. This bill has been on the calendar for 3 months.

If we do not decide to take up this bill or have a place fixed to take up this bill when we get back, we are going to have 3 weeks of an ongoing debate on a critically important subject, I agree, energy, but then we will never get to the men and women in uniform.

This is not our bill. This is their bill. Let's vote to take it up and set a place, a firm place, where we can protect the

men and women in uniform. They are overstretched. The equipment is running out. It is worn out. We owe them this. Set aside these differences for a few minutes, just a few minutes, and agree to take up this bill.

If we cannot take it up now, fix a time when we can take it up. That is my plea. I know Senator WARNER will join in this plea. This cannot be a partisan vote.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I do not know if the Senator took 10 minutes, but I think we heard the speech.

Mr. LEVIN. May Senator WARNER be recognized for a few minutes?

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I think the majority leader made a good point. I think we have heard the speech. Of course, we will not be passing the bill before recess. This vote will be about whether we stay on the No. 1 subject in America and whether we then do the Defense bill.

It appears to me as if we have had the suggestion, and I say to my good friend, the majority leader, why do we not now have the vote?

Mr. REID. Mr. President, I think that is appropriate, and I ask consent from everyone here that Senator WARNER have a few minutes.

Mr. WARNER. Mr. President, I thank the distinguished leader. I do hope I can say one word. To my leadership, I have explained to you I will soon conclude 30 years in this Chamber.

Having served with 264 Senators in that period of time, I say thanks to each and every one of them. But in that period, I think half my time has been devoted to issues relating to national security and the Armed Services. I checked the records of the committee. We have had 42 consecutive bills authorizing funds for the armed services of the United States. This will be the 30th of those bills that I have participated in, in bringing to the floor and, hopefully, getting a strong endorsement of this body.

I fully recognize the issues my colleagues have foremost in their mind at this moment. Not a one of them is against our national defense, not a one of them by their votes now could be challenged as to their patriotism and devotion to the men and women of the Armed Forces of this country.

But I will vote to go forth now, in an effort to support the cloture motion.

Mr. McCONNELL. Mr. President, if I may, our good friend, Senator WARNER, has, of course, been a leader on this issue throughout his tenure in the Senate, and we respect his views. He has been a strong supporter of a strong national defense.

But the issue before us tonight is whether we are going to continue to try to solve the No. 1 issue in the coun-

try, and that is the price of gas at the pump. It is not whether we will do a Defense authorization bill.

The ranking member of the Armed Services Committee shares my view, that the first thing we ought to do is stay on the subject of energy, stay on the subject of getting the price of gas at the pump down, and then do the Defense authorization bill.

I am authorized to speak on behalf of the ranking member of the Armed Services Committee, our colleague, Senator MCCAIN, who shares my view that at this particular moment, the most important issue related to the national security of our country is to stay on the subject of energy, finish the job, and then, as Senator WARNER and Senator LEVIN have suggested, do the job of passing the Defense authorization bill.

Mr. REID. Mr. President, there is a unanimous consent pending.

The PRESIDING OFFICER. Is there objection to holding the cloture vote at this time?

Without objection, it is so ordered.

#### CLOTURE MOTION

Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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, hereby move to bring to a close debate on the motion to proceed to S. 3001, the National Defense Authorization Act for Fiscal Year 2009.

Carl Levin, Christopher J. Dodd, E. Benjamin Nelson, John F. Kerry, Claire McCaskill, Joseph R. Biden, Jr., Bill Nelson, Blanche L. Lincoln, Richard Durbin, Daniel K. Akaka, Robert Menendez, Kent Conrad, Sherrod Brown, Jack Reed, Jim Webb, Charles E. Schumer, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military strengths for such fiscal year, 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 New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator

from Minnesota (Mr. COLEMAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Nebraska (Mr. HAGEL), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

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

The yeas and nays resulted—yeas 51, nays 39, as follows:

[Rollcall Vote No. 195 Leg.]

#### YEAS—51

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

#### NAYS—39

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Ensign	Reid
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hatch	Stevens
Coburn	Inhofe	Sununu
Cochran	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voinovich
Craig	Martinez	Wicker

#### NOT VOTING—10

Bunning	Hagel	McCain
Clinton	Hutchison	Obama
Coleman	Kennedy	
Domenici	Klobuchar	

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Mr. President, I enter a motion to reconsider.

The PRESIDING OFFICER. The motion is entered.

The majority leader.

#### CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE OF REPRESENTATIVES AND THE SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H. Con. Res. 398, a conditional adjournment resolution, and that the Senate vote immediately on adoption of H. Con. Res. 398; that if the adjournment resolution is agreed to, then it be in order for the Senate to convene for pro forma sessions on the following days: Tuesday, August 5; Friday, August 8; Tuesday, August 12; Friday, August 15; Tuesday, August 19;