

## 6-19-2009: Senate approves \$106 billion supplemental conference report

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By Humberto Sanchez and Dan Friedman *CongressDaily* June 19, 2009

The Senate Thursday sent President Obama a compromise \$106 billion fiscal 2009 supplemental appropriations bill for the wars in Afghanistan and Iraq and other priorities after approving the bill, 91-5.

The Senate's approval of the conference report comes after the House approved the measure Tuesday, 226-202.

The conference report -- a compromise approved last week by House and Senate negotiators -- includes \$79.9 billion for the wars in Afghanistan and Iraq; \$10.4 billion for the State Department and foreign operations, and \$7.7 billion to respond to the H1N1 flu pandemic.

Passage of the bill in the Senate followed a close 60-36 vote earlier Thursday to waive Senate rules prohibiting the inclusion of a provision that amounted to new spending. Democrats needed 60 votes to waive the rules.

Senate Budget Committee ranking member Judd Gregg, R-N.H., said the "cash for clunkers" provision in question, which was not in either the House or Senate-passed version of the supplemental, was new directed spending and raised a point of order against the provision, seeking to have it dropped from the conference report.

The supplemental includes \$1 billion for the first year of the program, which would give drivers a voucher of up to \$4,500 to buy or lease a fuel-efficient car if they trade in a less-efficient vehicle.

"Whether you agree with the policy of this bill or not, this 'cash for clunkers' bill, the issue is that it spends a billion dollars, it doesn't pay for it, and adds to the national debt," Gregg said. "And the national debt is out of control. And the American people know it's out of control, and it's inexcusable that this Congress can't discipline itself. So I will make a point of order. It doesn't bring down this bill. It doesn't harm our ability to fund the troops in the field."

If Gregg would have prevailed, the bill would have gone back to the House for consideration.

During debate, Senate Appropriations Committee Chairman Daniel Inouye, D-Hawaii, said, overall, "The bill represents a balanced compromise between the issues and funding recommended by the House and by the Senate."

He added, "I understand there may be one or two ... items that not all members agree with, but I would remind my colleagues that this is a must-pass bill. The funding in this bill is critical to the Defense Department in continuing to support our service men and women fighting in Iraq and Afghanistan."

Senate Interior Appropriations Subcommittee Chairwoman Dianne Feinstein, D-Calif., -- who has a competing clunkers bill that she contends is more environmentally friendly and paid for -- had previously supported Gregg in negotiations with the House. But on Thursday, she voted against Gregg because she said it's important that funding gets to the troops.

She also said she has an agreement with Senate Democratic leaders that since the supplemental provision only lasts through Oct. 1, the end of the fiscal year, that "if there is another [clunkers] bill, it will be our bill."

Sen. Susan Collins, R-Maine, a co-sponsor of the Feinstein proposal, also supported the supplemental, but only after receiving assurances on the floor from Senate Majority Leader Harry Reid, D-Nev., and other Democratic leaders. She initially voted against the supplemental, but after discussions with Democrats, subsequently changed her vote.

Inouye said that he had wanted to include a provision, included in the Senate-passed version of the supplemental, that would allow Defense Secretary Robert Gates to withhold detainee abuse photos if he certifies their release could endanger citizens or the armed forces.

"While many of us support the intent of this amendment, it was clear that including the amendment would jeopardize passage of the bill in the House," Inouye said. "That result would not have been an acceptable outcome."

Sen. Lindsey Graham, R-S.C., who had attached the provision to the Senate supplemental, had threatened to filibuster the conference report due to Democratic leaders dropping the provision. But Graham dropped the threat after Reid agreed to Graham's demand for a stand-alone vote on a provision barring release of the photos, which passed by unanimous consent Wednesday. The White House also assured Graham the photos would not be released.

Reid's horse trading came despite his pledge at a Tuesday briefing that he would not use "any quid pro quo" to secure votes. Reid also claimed he would not allow a vote on a standalone detainee photo provision before the supplemental vote. Asked about Reid's shift, a spokeswoman said, "Things change all the time."

The language was dropped because House Democratic leaders needed the help of liberal antiwar Democrats to pass the measure, since most Republicans withheld their support over the inclusion of \$5 billion in the package for the International

Monetary Fund.

Anti-war Democrats had said they would not vote for the package if it included the photos provision, which they claimed would weaken government transparency law.

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