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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Great and everlasting God, who was and is and is to come, inspire all who work on Capitol Hill. Help us to see Your image in each other and to draw strength from an awareness of Your sovereignty. Empower us to serve with a spirit of humility and gratitude, remembering that to whom much is given, much is expected.

Strengthen our Senators. Give them the wisdom to know Your will and the courage to obey Your precepts. May they comprehend Your vision for our Nation and world, becoming instruments for Your glory. Lord, fill them with Your power so that no weapon formed against them will prosper. Help them to view the shortcomings of others with patience and to be grateful for the exemplary virtues they witness each day.

We pray in Your glorious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 5, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business until 4 p.m. today. During morning business, Senator BYRD is to be recognized for up to 60 minutes. At 4 p.m. we will resume debate on the motion to proceed to S. 470, the sense-of-Congress language relating to Iraq. Last Thursday I moved to proceed to that bill and filed a cloture motion. That vote is slated to occur today at 5:30.

### ORDER OF PROCEDURE

I now ask unanimous consent that the time from 4 to 5:20 be equally divided and controlled between the two leaders or their designees, and the final 10 minutes prior to 5:30 p.m. be equally divided between the two leaders, with the majority leader controlling the last 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### IRAQ RESOLUTION FILIBUSTER

Mr. REID. Mr. President, all across America this past weekend, and even this morning in schools, cafés, pool

halls, I am sure, churches, synagogues, military bases, and all offices, people are talking about this war in Iraq. They are talking about President Bush's plan to escalate the war in Iraq—or "augment," as the amendment of the Senator from Virginia talks about. But if you look in the dictionary, "augment" and "escalate" have the same definition. So every place in America people are talking about Iraq—every place, that is, except in the Senate. I say that because in press conferences held, in statements made by the Republican leader, they have stated there will be no ability to proceed to the debate on this most important issue.

According to my counterpart, the Republican leader, the Republican Senators are going to say no and, he says, without exception. What does this mean? That we are not going to be able to move to proceed to this debate? What is more important than what we are trying to do here today; that is, move forward on a debate on Iraq? As I said, they are doing it every other place in America. Why shouldn't we be able to do it here in the Senate? We learned on Friday—it was continued over the weekend—that the minority is going to do everything in its power to block an Iraq vote. Are they so worried that a bipartisan majority of Senators might voice their opposition to this escalation; so worried that these Senators are going to prevent any Iraq debate?

Remember, this is a very delicate time in the history of our country. Not only do we have the Iraq debate to worry about, but we also, because of the mess, frankly, that was left by the prior majorities in the House and Senate, have no ability to fund this Government after February 15. We have to do that. This has to be completed by a week from this Friday.

I received letters from Republican Senators. They are going to filibuster the continuing resolution, which

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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means I have to move forward on this to keep the Government from shutting down. Our inability to go forward on the Iraq debate means we may not have the Iraq debate. Remember, we have lost, already, several days. We should be debating this right here today rather than having to vote at 4:30 on whether we can proceed on it.

What is the excuse—and I say excuse—that they are not going to let the American people hear the Senate debate the escalation of the war in Iraq? This claim—and I might say, it is a feeble claim—that they haven't been guaranteed a vote on amendments is not credible. It is simply not true. They have rejected, through their leader—they, the Republicans—three compromises that would have permitted the Senate to vote on the President's plan. I have done this privately. I have done it publicly.

I offered to schedule an up-or-down vote on McCain—that is a resolution supporting the President's plan—and on the Warner-Levin resolution in opposition. That is votes up or down on these two amendments. This offer was rejected.

We then offered the Republican leadership up-or-down votes on those two resolutions I just talked about and they had another one. The Republican leader had another one. I read it. It is the Gregg amendment. So we said let's go ahead and vote on that. I was turned down there also.

I don't know what more we can do. I even went one step further and said we will hold supermajority votes, 60 votes, on WARNER and on MCCAIN, two separate votes, 60 each. What more could we do? These were rejected. I have said this publicly, but I said it privately—and there were all kinds of witnesses to my conversation with the Republican leader—the Republican leader obviously can't take "yes" for an answer. They have been given all they asked. It is clear their actions are not driven by getting votes on Republican proposals, they are not being driven by getting votes on Republican proposals; they are driven by a desire to provide political cover.

The majority can't rubberstamp the President's policies on Iraq anymore so they decided to stamp out debate and let the actions in Iraq proceed unchecked. America deserves more than a filibuster on the President's flawed plan to add 48,000 troops to Iraq. It is not 21,000. The war in Iraq has taken a great toll on our country. Well more than 3,000 American soldiers have been killed, 24,000 or 25,000 of them wounded, a third of them missing eyes—head injuries. We have 2,000 who are missing limbs.

The war has strained our military. I have been told by leaders at the Pentagon that we do not have a single Army unit that is nondeployed that is battle ready.

Mr. BYRD. Would the Senator say that again, please?

Mr. REID. We do not have a single, nondeployed Army unit that is ready

to go to war. We have depleted our Treasury over \$400 billion—some say \$500 billion.

Look at this. The Congressional Budget Office is a nonpartisan entity set up by this Congress. According to the Congressional Budget Office, a surge of 21,500 combat troops really means up to 48,000 more troops when support personnel are counted. And, remember, the 3,180 American soldiers who were killed were not all combat troops. They were truckdrivers, they were working in commissaries, they were doing all kinds of things to support the combat troops.

So we are saying it is not 21,500, it is 48,000, and it is going to cost, this little surge, an additional \$27 billion. If the President wants to escalate the conflict and send, according to CBO, 48,000 more troops, given these costs alone—that is \$27 billion in addition—it is important the Senators have an opportunity to vote up or down on escalation.

But it is even more important because there is widespread opposition in Congress and the country to the President's plan. Those we trust the most do not believe escalation is the right way forward. America's generals don't support this. What does General Casey say? When he was in Iraq he said, I don't think this is going to work. General Abizaid said the same thing. Many others have told us the same thing.

More troops will not bring stability to Iraq. The Iraq Study Group sent this project in another direction. They made very different recommendations. America's generals—of course, they do not support this. The American people do not support the escalation. Look at any public opinion poll—Democrats, Republicans, Independents. The President has heard from the Prime Minister of Iraq, al-Maliki, that he doesn't want more troops in Baghdad; he wants American troops to leave Baghdad. He told the President that to his face. This is the message President Bush has heard from the generals, the people, the Iraq Study Group, even the Iraq Prime Minister. Now the President should hear from Congress. But is he going to? Perhaps not. The President must hear from Congress that he stands alone. A loud bipartisan message from this body will give him another opportunity to listen and to change course to a plan that gives our troops the best chance for success and gives the country of Iraq the best chance for stability.

Is there anyone who does not think this is an important debate? Is there anyone who believes the Senate should remain silent on the most pressing issue facing the country today? Unfortunately, the answer is yes. According to the Republican leader, all Republican Senators will vote not to proceed.

We are running out of time to find a new way forward in Iraq. That is certainly clear. Americans and our troops have waited 4 years for the Senate to get off the sidelines on this issue. They

shouldn't have to wait longer for a new direction in Iraq because the minority wants to protect their politics at home.

We have seen politics in this war before. Politics gave us "Mission Accomplished." Remember that? On the aircraft carrier, the President dressed in a flight suit said: The mission is accomplished; we have won in Iraq. Politics gave us the Vice President who said the insurgency was in its last throes, and the President saying: There are insurgents? Bring them on. Politics gave us a Vice President who promised America we would be greeted as liberators. So we have had enough of this politics for 4 years into this war—4 years.

What we need is a strategy that will succeed in Iraq, a strategy that is not an escalation. Last week, America's intelligence communities provided their latest estimates of conditions on the ground in Iraq. The picture they painted was bleak and was backed by events this past week in Iraq. Every day, with rare exception, this is what we see out of Iraq: More than 200 people killed—more than 200 people. Hundreds and hundreds injured. It was a 2,000-pound bomb in a marketplace. The Iraqi Interior Ministry, which has been very conservative, said last week that at least 1,000 were killed in Iraq. Two million, it was reported over the weekend, have left Iraq—2 million Iraqis have left Iraq.

We don't need the unclassified assessment of our intelligence community to know things aren't going well in Iraq—and that is an understatement—that the present strategy has failed and there are only nonmilitary solutions to address Iraq's problems. That is why the military surge makes no sense.

Again, the National Intelligence Estimate came out last week. It was months overdue, but it did come out. Here are some of the things it talked about. This is from our own intelligence agencies:

Even if violence is diminished, Iraqi leaders will be hard-pressed to achieve sustained political reconciliation in the time frame of this estimate.

Listen to this next one:

Iraq has become a self-sustaining inter-sectarian struggle.

This is not HARRY REID. These are the finest, the people who are doing their very best to make America safe. The National Intelligence Estimate:

The term "civil war" accurately describes key elements of the Iraqi conflict, but does not adequately capture the complexity of the conflict.

I have been saying, and the American people have been saying, for months this is a civil war. It is a civil war, but it is more than a civil war.

The National Intelligence Estimate:

The involvement of these outside actors, Iran and Syria and Iraq's neighbors, is not likely to be a major driver of violence or the prospects for stability.

In effect, they are saying the President is now sending battle carrier groups off the waters of Iran because

he is trying to blame them for everything that is going on in Iraq. That is not credible.

Am I saying Iran is the good guy on the block? Of course not. But let's not say they are the cause of all the trouble in Iraq because they are not.

The National Intelligence Estimate:

A number of identifiable developments could help to reverse the negative trends driving Iraq's current trajectory. They include, again, military solutions. Broader Sunni acceptance of the current political structure and federalism, significant concessions by the Shia and the Kurds, a bottom-up approach, mend frayed relationships between tribal and religious groups.

Mr. President, we need to work to come to a political solution for the problems in Iraq.

Surging U.S. military forces is not a development that is going to help in Iraq. That is because there is no military solution. Military escalation would not end this conflict that is more complex than a civil war. Military escalation would not make it easy for Iraqi leaders to achieve political reconciliation. Military escalation would not bring an end to Iraq's internal sectarian struggle.

Mr. President, as I said when I started, all over America today people are talking about what is going on in Iraq—every place you want to talk about, whether it is the water cooler at the office or truck drivers on their CBs talking back and forth to each other. It is in schools all over America, from elementary to college, talking about what is going on in Iraq. But in the Senate, are we going to have a debate on it? We have been told “no.”

The problems in Iraq are long term. Yet military escalation is a strategy that is shortsighted. This is the message President Bush has heard from the generals, the people, the Iraqi Prime Minister, the Iraq Study Group, and now he must hear from Congress. I hope this afternoon my Republican colleagues will do what is right and allow this important debate to go forward.

I don't know if the Republican leader wishes to be recognized, but I ask unanimous consent that the Senator from Illinois, Mr. DURBIN, be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I yield to the minority leader, if he wishes to speak first.

#### IRAQ DEBATE

Mr. MCCONNELL. I thank my friend from Illinois. Mr. President, this whole discussion can best be described as a bump in the road. The majority leader and I had a number of discussions last week about how to proceed with the Iraq debate. There is no reluctance on this side of the aisle to have that debate. In fact, we had a number of different Republicans who had different approaches to offer in anticipation of

the Iraq debate this week. We hear there are different approaches on the Democratic side as well.

In an effort to reach a unanimous consent agreement, we pared down our requests to two resolutions, one by Senator MCCAIN and Senator LIEBERMAN that basically embodied benchmarks for the Iraqi Government and one by Senator GREGG, a very important resolution that should be voted on in the Senate that deals with the issue of whether the Senate believes we should cut off funds for the troops. This vote this afternoon should not be misunderstood. This is a fairness vote. This vote this afternoon is a vote to insist that the minority have a fair process in going forward to this very important debate. I think I am safe to say every single Republican shares the view it is not requesting too much of the majority to have a fair process. We could have asked for many more than two resolutions. There were several other Members of the Senate on this side of the aisle who had what they thought were good ideas that should have been put in the queue.

With regard to what the vote should be, this is the Senate. With the exception of the budget resolution, I can't think of anything in the Senate we have dealt with in my memory, except some kind of consent on a non-controversial matter, that didn't require a 60-vote threshold. That is routine in the Senate. That is not extraordinary; that is ordinary. So what could be done and should be done—and I hope will be done sometime today—is the majority leader and myself will sit down and come up with a reasonable list of resolutions, all of them, as everything else in the Senate, subject to a 60-vote threshold. In fact, our good friends on the other side of the aisle in the previous Congress went to great lengths to establish that there even ought to be a 60-vote threshold for judges, something that had not been the norm in the Senate. So it looks to me like where we are today is that everything in the Senate requires 60 votes. Why would we not have a 60-vote threshold for the most important issue in the country right now: The Iraq war? So, of course, we think it should be dealt with in the same way that other issues are dealt with in the Senate.

So make no mistake about it. This vote at 5 o'clock doesn't have anything whatsoever to do with scuttling the Iraq debate. We welcome the debate. We are happy to have it. But the minority will insist on fair treatment, and our definition of fair has been pared down to two resolutions. And all of the resolutions, as everything else we consider in the Senate, would be subject to a 60-vote threshold.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Fairness. You start throwing the 60-vote number around when

you have something to hide or you want to stall, and it appears that is the case here. We have offered the Republicans an up-or-down vote on Warner, an up-or-down vote on McCain, and an up-or-down vote on the matter relating to Senator GREGG. How much fairer could you be on that? We have heard in this body from the Republicans for years now: Up-or-down vote, up-or-down vote. We want an up-or-down vote.

That is what we want. Why should there be an arbitrary ruling by the minority that this take 60 votes as to how people feel about the Warner amendment or the McCain amendment?

Mr. MCCONNELL. Would the majority leader yield for a question?

Mr. REID. Sure.

Mr. MCCONNELL. Isn't it true that any one Member of the Senate, just one Member of the Senate could insist that there be a 60-vote threshold on this issue?

Mr. REID. Mr. President, nearly everything we do in this body—and I will be happy to respond to the distinguished Republican leader—nearly everything we do in this body is determined by unanimous consent. We have matters that come before this body—and that is how we get here, is with unanimous consent. I can't imagine why there would be anyone who would require 60 votes unless they didn't want us to go forward—unless they didn't want us to go forward. That obviously is the message we are giving around the country. Look at any newspaper: “GOP Threatens to Block Vote on Resolution.” That, Mr. President, is USA Today. That is only one newspaper. They are all over America, the same thing.

This is an effort to stop. For every day we are not able to debate the Iraq resolution means one less day, and maybe we would not be able to get to it because of the continuing resolution. As I said earlier, we have been told by letters I received from Republicans that they are going to filibuster the continuing resolution. Today, starting today whenever we came in—and we came in late because we knew we had this procedural vote—we should have been debating Warner and McCain, but we are not. And now, if cloture is invoked, there is 30 hours after that before we can get to debating this and by then, frankly, it is too late. We will not be able to do it because of the continuing resolution.

Mr. MCCONNELL. Would the majority leader yield for a question?

Mr. REID. Of course.

Mr. MCCONNELL. Let me repeat my question. Isn't it true, I say to my good friend, the majority leader, that any one Member of the Senate could ensure that a matter has to receive 60 votes?

Mr. BYRD. Could do what, may I ask?

Mr. REID. Could ask for 60 votes. I say to my friend, hypothetically that is true, but that is the way it is with many things in this body. But that person would have to come forward, identify themselves, and stand up and say:

I do not want the debate on Iraq to go forward. This is a little difficult to do with the situation where, as I said before, everybody in America wants this debate to go forward. So let's hear somebody on the other side stand up, akin to a Senator who believes in something, and say: I don't want this debate to go forward.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, let me say that there are many Members on my side who would argue we should not be having this debate this week at all. I hope none of those watching this on C-SPAN or any people in the gallery are confused. A 60-vote threshold is routine in the Senate. It is the ordinary, not the extraordinary. There was really only one exception to that, and that was the consideration of judicial nominees. My good friends on the other side of the aisle spent an enormous amount of time in the last couple of years trying to establish a 60-vote threshold for that as well.

There is nothing the minority is asking for that is in any way extraordinary, nothing extraordinary about it at all. It is really quite ordinary. We are prepared to have a debate on Iraq this week. We look forward to having a debate on Iraq this week. What should happen is the distinguished majority leader and myself should agree, by consent, to a reasonable number of resolutions. As I have indicated, some of the Republican Senators have given up their opportunity to offer proposals in deference to my request that we narrow down the number of resolutions to a reasonable number for consideration this week.

I hope that one of two things would happen: Either we vitiate the vote this afternoon because it is completely unnecessary or we will defeat cloture and the majority leader and I, hopefully, will be able to sit down and reach agreement for a fair consideration of alternate proposals that could have been reached last Friday and I had hoped would have been reached last Friday.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, keep in mind what I offered the minority: up-or-down votes on Warner and McCain; up-or-down vote on Judd Gregg. I also offered a 60-vote on Warner and a 60-vote on McCain. That was also turned down.

This thing about 60 votes is exaggerated. I have been in the Senate 25 years. I have been involved in two filibusters, and that is two more than most anyone in the Senate has been involved in. Filibusters are just talk. Rarely are filibusters ever necessary or do they occur.

Therefore, this "everything is 60 votes" is simply not valid.

They want a fair process? Up-or-down vote on McCain, up-or-down vote on Warner, up-or-down vote on Judd Gregg. Okay, don't want that? I tell

you what, this has been stated publicly and privately long before today: We will give you a 60-vote on Warner, we will give you a 60-vote on McCain. Nope. Turned down.

Where does this fairness come in? Is fairness in the eye of the beholder? They have to get everything they want? I cannot imagine how we could be more fair. The American public would see a debate on Warner, see a debate on McCain. One is for the surge, one is against the surge. Why not have that debate? There will be lots of other times to debate other issues dealing with Iraq. We have the September 11 recommendation coming up; we have the supplemental coming up. Iraq is not going to leave the Senate. But it will leave this Senate if we are not allowed to proceed in this manner because—again I say that is because of bad housekeeping and the Republicans just simply leaving town after they lost the majority—we have to pass a continuing resolution. We have to. We have no alternative. We have to start on that by Wednesday.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, first, with regard to the 60-vote threshold, the majority leader and I both praised the bipartisan cooperation we had in the Senate on both the ethics bill and the minimum wage bill, both of which had a 60-vote requirement. That demonstrates how extraordinary 60-vote requirements are. These were two bills which were widely praised by both the majority leader and myself as examples of bipartisan cooperation.

I heard the majority leader say up-or-down votes on McCain and on Warner. If he would throw in the Gregg amendment for an up-or-down vote—I am sorry, what was his offer?

Mr. REID. My offer has always been an up-or-down vote on McCain, on Warner, on Judd Gregg, and the Democratic alternative which basically says we are against the surge. It has always been the same. And the 60-vote would be on McCain and on Warner.

I would also say I appreciate my friend talking about the ethics in lobbying reform and the debate we had on minimum wage. However, I don't want to start a battle that is already over. But one reason we were able to get those two bills passed—we thought stopping debate on these was not the right thing to do. We spoke out loudly, and the American people said: Let's get on with those two issues. They held it up for a little while but not for very long.

Mr. McCONNELL. A further illustration of how ordinary it is to get 60 votes around here, there have been 9 cloture motions filed in this Congress alone, and we are now finally starting the second month. It is really not in dispute that a 60-vote threshold is quite common around here. It is ordinary rather than extraordinary.

I yield the floor.

Mr. REID. Mr. President, I have offered 60 votes on McCain and Warner.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. McCONNELL. I understand he has offered 60 votes on McCain and Warner. The Gregg amendment is also important and would have to be included in any such negotiation which, hopefully, we will get back to having later today.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with up to 60 minutes under the control of the Senator from West Virginia, Mr. BYRD.

Mr. WARNER. Reserving the right to object, I inquire, at what point can other Senators speak? I presume at the conclusion of the distinguished Senator from West Virginia; is that correct?

The ACTING PRESIDENT pro tempore. We have—

Mr. WARNER. Might I make that a unanimous consent, that I can be recognized following the distinguished Senator from West Virginia for 10 minutes?

The ACTING PRESIDENT pro tempore. The order is first the assistant majority leader gets 10 minutes.

Mr. WARNER. All right. That is fine. And I notice the presence of the assistant Republican leader, so I would want to accommodate the assistant Republican leader.

At some point, I am just asking, as a matter of courtesy, at what time may I speak? The Senator from Maine, Senator HAGEL—there are several Members who would like to speak. If the Chair could help us, recognizing the leadership precedes.

Mr. BYRD. What is the order that has been previously entered?

The ACTING PRESIDENT pro tempore. There is no order in effect except for Senator DURBIN and Senator BYRD.

Mr. WARNER. Could I then ask unanimous consent at the appropriate time that the Senator from Virginia be recognized for 10 minutes, the Senator from Maine and the Senator from Nebraska for 10 minutes?

Mr. LOTT. Reserving the right to object, Mr. President, I believe if Senator DURBIN and Senator BYRD speak before we get into the rest of the lineup, I would like to have an opportunity to have at least 5 minutes to speak after Durbin and Byrd but then go forward with the unanimous consent request of Senator WARNER for himself and others.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. I am not sure a unanimous consent has been propounded, but

I would like to modify what is pending as follows: I have a hearing to chair at 3 o'clock. I have been allocated 10 minutes. I would like to use 5 and give 5 to the Senator from New York and allow the other Senators—I have noted several Republican Senators who wish to speak for whatever period the Senator from West Virginia would be prepared to work out with them. He was kind enough to allow me 10 minutes, which I will share with the Senator from New York if it meets with the approval of the Senate.

Let me defer to the Senator from West Virginia because I believe under the existing order I have 10 minutes and he has 1 hour, if I am not mistaken; is that correct?

The ACTING PRESIDENT pro tempore. The 60 minutes reserved for Senator BYRD is not necessarily following your 10 minutes.

Mr. DURBIN. If I might inquire of the Chair, then, is the 60 minutes for Senator BYRD reserved after morning business or during morning business?

The ACTING PRESIDENT pro tempore. During morning business.

Mr. DURBIN. I defer to the Senator from West Virginia because he made the earlier request and was kind enough to yield 10 minutes my way, and I want to make sure he agrees with whatever we tend to think is a reasonable way to allocate time.

Mr. LOTT. Mr. President, I don't believe there is any order in place that Senator BYRD would go next even though there was, I believe, an order that he have an hour as if in morning business; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. LOTT. My only reservation, not wanting in any way to cut off any Senator, is that there be some flow of back-and-forth after the distinguished whip has his time, along with Senator SCHUMER; that some of us be able to comment in response, perhaps; and that Senator BYRD, certainly, get his time, but Senator WARNER would also have an opportunity to get engaged in this lineup, and Senator COLLINS.

Mr. DURBIN. Would the Senator from Mississippi propound a unanimous consent request based on that so we can decide whether that would be an appropriate way to proceed?

Mr. LOTT. Mr. President, I ask unanimous consent that following the 10 minutes that has been allocated for Senator DURBIN as he would see fit to use his time, that I have 10 minutes, to be followed by the time Senator BYRD has, to be followed by Senator WARNER, an equal amount of time as he would see fit.

Mr. BYRD. Mr. President, reserving the right to object, what is the request?

Mr. LOTT. I believe Senator DURBIN would have 10 minutes as yielded by you, Senator BYRD, then I would have 10 minutes, to be followed by your time that you have requested, to be followed by Senator WARNER and others as they

would want to divide up that time. So we all would basically have an equal amount of time to go forward, but after an estimated 20 minutes, you would have your time to go forward.

Mr. BYRD. Is that the order that has been established or is that the request?

Mr. LOTT. That is the request.

Mr. BYRD. But the order as established is what, may I ask the Chair?

The ACTING PRESIDENT pro tempore. There is no order established. We have Senator DURBIN who is recognized for 10 minutes. The Senator from West Virginia has 60 minutes although there is no order established. In other words, it is not locked in that the Senator from West Virginia go immediately after Senator DURBIN.

Mr. BYRD. Well, what is the order?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has proposed an order where he would give 10 minutes to the Senator from Illinois, which I assume is 5 for the Senator from Illinois and 5 for the Senator from New York, although it is 10 minutes to the Senator from Illinois.

Mr. BYRD. Mr. President, I do not mean to be contentious, but what is the order without the request?

The ACTING PRESIDENT pro tempore. The order without the request is Senator DURBIN, from Illinois, is recognized for 10 minutes; then, following that—but again, there is no sequence laid out specifically to what has been agreed to—following that, the Senator from West Virginia is to have 60 minutes.

Mr. BYRD. Following that, if there is no sequence laid out, I would like for my time to follow the Senator from Illinois, and then we can talk about my time if Senators want some of it.

Mr. LOTT. Mr. President, after Senator DURBIN and perhaps Senator SCHUMER speak, my request was propounded on the basis that we try to go back and forth between the two parties and that I be allowed to have an equal amount of time in response to the remarks of Senator DURBIN and then go forward with an order that would put Senator BYRD next in order, to be followed by Senator WARNER. I am just trying to establish some fair flow back and forth.

Mr. BYRD. Reserving the right to object, is there a previous order to the effect that I have an hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. All right. The previous order is that I have an hour. When should I have the hour under the previous order?

The ACTING PRESIDENT pro tempore. That is what is trying to be worked out right now. Right now, the Chair asks the Senator from West Virginia if the Senator intends to use the full hour and if the Senator would like it all in one block or if the Senator would prefer to break it up?

Mr. BYRD. I don't know yet, but I want the hour.

The ACTING PRESIDENT pro tempore. In one block?

Mr. BYRD. I want the hour.

The ACTING PRESIDENT pro tempore. The full hour.

Mr. BYRD. An hour is a full hour.

The ACTING PRESIDENT pro tempore. Uninterrupted?

Mr. BYRD. As of now, I want the hour.

Mr. LOTT. Parliamentary inquiry: While there is an order that Senator BYRD have an hour, it was not put in place at a particular time or to follow in any particular order; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Is there objection to the request of the Senator from Mississippi?

Mr. BYRD. Yes. My objection as of this point—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Reserving the right to object.

Mr. SCHUMER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. If I could suggest, to speed this up, if instead of taking the 5 minutes Senator DURBIN was going to yield me, I would be happy to defer and let Senator LOTT speak for that 5 minutes, and after Senator BYRD finishes his remarks, I could speak my 5 minutes. That way we would have an order, and Senator BYRD would not have to yield any more time, and all of us would get to say whatever we wanted to say. I make that a unanimous consent request.

Mr. WARNER. Reserving the right to object, could then the three colleagues I have mentioned—myself, Senator COLLINS, and Senator HAGEL—follow the distinguished Senator from New York?

Mr. SCHUMER. I have no problem with that.

Mr. BYRD. Well, before that, let me—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, had an order been previously entered for me to have an hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Let me read the order for a point of clarification. It says: Under the previous order, there will be a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with up to 60 minutes under the control of the Senator from West Virginia, Mr. BYRD.

So it is in morning business, and the Senator from West Virginia has 60 minutes.

Mr. BYRD. All right. I thank the Chair.

Let's proceed under the order.

The ACTING PRESIDENT pro tempore. And also, the next Senator to be recognized is the Senator from Illinois.

Mr. BYRD. The Senator from Illinois, all right.

Mr. DURBIN. Will the Chair yield for a question?

The ACTING PRESIDENT pro tempore. Absolutely.

Mr. DURBIN. Is there a record vote scheduled at 5:30 on the cloture motion?

The ACTING PRESIDENT pro tempore. There is a vote scheduled under a previous unanimous consent at 5:30.

Mr. DURBIN. Mr. President, I ask unanimous consent that the 10 minutes before that vote be equally divided between the majority and minority so that at 5:20 a person speaking—sorry, I withdraw that request.

Mr. President, as I understand it, I am recognized for 10 minutes at this point?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. My intention is to yield 5 minutes to Senator SCHUMER. So I will begin at this point.

#### RESOLUTIONS OF DISAPPROVAL

Mr. DURBIN. Mr. President, let me say, for those who have not followed this debate closely, I think we have made amazing progress until today—until today—because what happened before today was that we were moving on a bipartisan track, a track of cooperation, so that the Senate would exercise its responsibility and deliberate a topic that is being debated today in Springfield, IL, and Little Rock, AR. That is the war.

In an effort to reach this point, we have made accommodations. Senators BIDEN, LEVIN, and HAGEL worked long and hard on a resolution of disapproval of the President's policy. They reported it from the Foreign Relations Committee. Yet, we set that aside and said, in the interest of comity, in the interest of fairness, we will gather behind Senator JOHN WARNER, the former chairman of the Armed Services Committee, in a bipartisan fashion, and we will work together so we bring one resolution of disapproval to the floor.

Senator WARNER was kind enough to make some modifications in that resolution, and we were prepared to proceed. We felt that was fair. Throughout this process, we have not been asserting the rights of the majority. We have tried to work in a bipartisan fashion.

So now comes the moment of truth. Will the Senate, after all the sound and fury, finally have a debate? Now we are told by the Republican side, no. We are told by the Republican side that because they have several other amendments they want to have brought up, they will stop any debate on the Warner resolution unless they have their way on the procedure.

I am troubled by this. If the Republicans in the Senate cannot swallow the thin soup of the Warner resolution, how will they ever stomach a real debate on the war in Iraq?

What we face now is a sense-of-the-Senate resolution.

It is important. It expresses the feeling of the Senate. But it is not going to change the situation on the ground.

The President will not be held back from sending the troops that he wants to escalate the war, nor will there be any money moved from one place to another, nor any limits on the troops, nor any of the changes that have been discussed.

What we started to do here was to have a sense-of-the-Senate resolution, a bipartisan resolution, introduced by Senator WARNER on the Republican side, as the basis for this debate. How much more good faith could we show on the majority side? And yet now we find that the Republicans have objected. We are witness to the spectacle of a White House and Republican Senators unwilling to even engage in a debate on a war that claims at least one American life every day and \$2.5 billion a week.

As we debate the procedures, as we go back and forth, day by day, we lose more soldiers and spend more money. I am sorry there is no sense of urgency on both sides of the aisle to move this matter to debate quickly. If the Republicans want to stand by their President and his policy, they should not run from this debate. If they believe we should send thousands of our young soldiers into the maws of this wretched civil war, they should at least have the courage to stand and defend their position.

One of their own on the Republican side, speaking before the Foreign Relations Committee, said he felt it was a matter of responsibility. He said: We are Senators, not shoe salesmen. I do not want to reflect poorly on entrepreneurs in America by referring to shoe salesmen in a derogatory way, but I would join in his remarks. If we cannot come together today and begin the debate on the single issue that is paramount in the minds of people across America, why are we here? What are we waiting for?

We have certainly tantalized them with the prospects of a debate. And now to have the Republicans pull the rug out from under us at the last minute and say, no debate this week, well, they understand, as we do, the continuing resolution is imminent. We have no time to wait. We have to move to it. And if they can slow us down and stall us for a few more days, then the White House gets its way: no deliberation, no debate, no vote.

The final thing I will say is this: Some on the other side have argued this is a vote of no confidence in the President and the troops. They could not be further from the truth. I cannot believe that Senator WARNER, a man who has served his country so well in so many capacities, would be party to a resolution which would express no confidence in the troops of this Nation. I would not be. He would not either.

This resolution expresses our confidence and our faithfulness in those men and women in uniform. Nor is it a vote of no confidence in this President. Of course it is his policy. But what we should debate—and we will debate—is

the policy itself, not the personalities involved. But for the Republicans, now in their minority status, to put a stop to this debate is to try to put a stop to a debate that is going on across America.

I will tell them this. They may succeed today, but they will not succeed beyond today. There will be a debate on this war. It may not be this week; it may not be this bill; it may not be this resolution. There will be a debate because the American people made it clear in the last election it is time for a new direction.

Mr. BYRD addressed the Chair.

Mr. DURBIN. Mr. President, I yield to the Senator from New York.

Mr. BYRD. No, no. I asked—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I do not mean to be discourteous to my leader. I understand he yielded the floor.

Mr. DURBIN. I was yielding the remaining time. I had 10 minutes, and I was yielding—how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

The Senator from Illinois had the floor, and he was going to give 5 minutes to the Senator from New York.

Mr. DURBIN. I was yielding my remaining 5 minutes to the Senator from New York.

Mr. BYRD. Very well.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for yielding the time. And I thank my good friend from West Virginia. I know he will have a lot to say, and we will all listen to it with eager ears.

Mr. BYRD. And I am going to speak often. I do not speak often.

Mr. SCHUMER. I am sorry to delay that a few minutes and look forward to hearing it.

Mr. BYRD. That is all right.

Mr. SCHUMER. Mr. President, let's make no mistake about what is happening today. The Republican side is afraid to debate even a nonbinding resolution as to whether this Senate supports an escalation. Simply put, this is a filibuster so that we cannot debate the war in Iraq. Some on the other side will say, well, the word "filibuster" should not be used. But that is exactly what is going on.

Some on the other side will say, well, Democrats filibustered judges. We did. They said that. We were willing to stand by it. Are they willing to stand by filibustering the war in Iraq? And let me say this—let me say this—the lack of debate on this war in this Senate, in this administration, and in this country has led to the muddle, the debacle we are now in, where 70 percent of the people do not support this war. And most experts you talk to say: What is the strategy? We do not seem to have one.

When General Shinseki, 3 years ago, said we needed more troops, there was

no debate. When CIA agents and others said there were not weapons of mass destruction, they said we do not need debate. When this war devolved from fighting terror and removing Saddam Hussein into a war that was a civil war, with our young men and women policing the age-old hatred between the Shites and the Sunnis, there was no debate.

That is why we are in the sad state we are right now. I fully support the troops. And I understand the need of a President to lead, but without debate, debate that has been the hallmark of this country, not words but a meeting of ideas, a meeting of disagreements so that the best policy might emerge? That is what America is all about. And when it comes to war, it should be all about it more than any single other issue.

Every one of my colleagues who is willing to block off this debate right now, who will vote against cloture, is saying: I don't wish to debate whether this escalation is the right thing. You can say the commas are in the wrong place or the dots are in the wrong place. Senator REID has offered both resolutions, the one by the Senator from Arizona and the one by the Senator from Virginia, both Republican resolutions—an equal place under the Sun—yes or no.

The ability to obfuscate, the ability to shade, the ability to hide should not be available here. Yes or no. Do you support this so-called surge, this escalation, or do you not? I believe the election answered that on behalf of the American people. They want their Senate to debate it. They would much rather have their Senator vote yes or no than not vote at all.

And here we are at this sorry moment. We are on the most important issue that has faced this Senate in quite a while. We are saying, at least those on the other side of the aisle: No debate, no discussion.

Again, I remind my colleagues it is that lack of debate and that lack of discussion that led us into the situation we are in now, where this war has dwindling support in this country, in this Senate, and even in Iraq itself.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. LOTT. Parliamentary inquiry, Mr. President.

Mr. BYRD. Mr. President, I yield for that purpose.

Mr. LOTT. I thank the Senator for yielding.

Mr. President, all I am trying to do is get a chance to have a discussion on both sides of the aisle on the differing points of view on what is occurring. I do not wish to cut off or delay Senator BYRD. But my point is, if he does, in fact, use the next 50 minutes or an hour, we then will be out of morning business into the regular debate at 4 o'clock, without us ever having a chance to respond to the comments made by Senator DURBIN or Senator SCHUMER.

So I ask the Senator from West Virginia—and I address this question through the Chair—if he will allow me to proceed for 5 minutes so I could respond to some of the comments that were made by my two colleagues, Senator DURBIN and Senator SCHUMER, and then go forward with the time that was left.

Mr. BYRD. Does the Senator wish me to yield at this point?

Mr. LOTT. I would ask, Mr. President, the Senator to yield for that purpose.

Mr. BYRD. Mr. President, I am a reasonable man, a reasonable Senator. I yield 5 minutes now, and without losing my right to the floor. I ask unanimous consent that I may do that.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. And for clarification, the Senator—

Mr. WARNER. Reserving the right to object, if we can have one thing clarified. Under that time agreement, if we come to 4 o'clock, does that eclipse the ability of the Senator from Virginia to speak, the Senator from Maine to speak, the Senator from Nebraska to speak? Perhaps the two Senators from Nebraska wish to speak.

Mr. BYRD. Mr. President, will the Senator allow me to intervene here?

Mr. WARNER. Yes.

Mr. BYRD. Mr. President, I do not intend to take 60 minutes. But I do not want to waste 60 minutes before I start.

Mr. WARNER. I appreciate that. But the question before the Chair is, if we do not have time within that hour, are we then unable to speak?

Mr. BYRD. Mr. President, I will try to help if the Senator will let me get started.

Mr. WARNER. I thank my distinguished colleague. I know we can go to the bank on your word.

I withdraw any objection.

The ACTING PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Mississippi? The Senator from West Virginia is recognized for up to 60 minutes or until 4 o'clock.

Mr. LOTT. Has the unanimous consent request the Senator propounded been confirmed?

The ACTING PRESIDENT pro tempore. The Chair did not ask for that to be confirmed and didn't ask for any objection. Is there objection?

Mr. WARNER. Reserving the right to object, would the Senator allow me to ask unanimous consent that I be recognized following the conclusion of such time as the Senator from West Virginia takes?

The ACTING PRESIDENT pro tempore. Without objection, we will proceed to the Senator from Virginia for a few minutes, 5 minutes, after—

Mr. WARNER. I would presume that I would have whatever time is between the conclusion of the Senator from West Virginia and 4 o'clock.

The ACTING PRESIDENT pro tempore. Correct.

Mr. WARNER. I intend to share it with other colleagues.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Virginia will be recognized after the Senator from West Virginia completes his remarks, and the Senator from West Virginia has given his first 5 minutes to the minority whip. Is there any objection to that? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank the Senator from West Virginia. He has proven once again his knowledge of how things proceed. But he also is fair in how he proceeds. I thank Senator BYRD for upholding the tradition that he feels so strongly about.

Mr. BYRD. I thank the distinguished Senator.

Mr. LOTT. Mr. President, let me get right to the point. This is all show and tell. We know the Senate is ready to have a full debate on the question of how we proceed in Iraq. There are a number of resolutions that have been suggested that are pending. We know our leaders are going to find a way to work this out. So why are we here taking all this time to accuse each other of unfairness and trying to block and delay? We don't want to do that. There is a way we can work this out where resolutions of different points of view can be offered. I don't know what the magic number is. The leaders are going to work that out. But to come to the floor and suggest that we don't want a full debate—this is the Senate. We are going to have a full debate on this approach and a lot of others as we go forward—

Mr. BYRD. You bet.

Mr. LOTT [continuing]. Into the situation in Iraq. That is as it should be. I want to make it clear, this is not an effort to block debate. We could get an agreement, vitiate this vote this afternoon, and go right now into the debate. I think we ought to do that. What are the numbers and what resolutions will actually be offered, our leaders are going to work out.

But I do want to say this, too: If we really want to get to the debate about what is going to be the future there, we ought to be doing it in some way other than these nonbinding resolutions. This is a lot of sound and fury signifying nothing, so I question the whole process that we are under. I don't mind going forward. In fact, I want to go forward and have a full debate about what is going on here.

I recently had occasion to be at a meeting with a number of world leaders, and the discussion went back and forth. Finally, it came down to this: What do we do in Iraq? Stay, leave, or what? Well, they said: No, no, no, you can't leave. You have to stay. Then the question was, or then what? Well, they had no answer.

The President has been criticized for not coming forth with some changes to change the status quo. He did. Now he is being criticized with what he came

up with in this plan that we are going to be voting on later. I don't know if it is perfect. I don't know if it will work. But I do know this: he is the Commander in Chief.

We do need to change the dynamics there. We do need to go forward in a way that will produce a positive result or decide what else we are going to do. That is what the Senate, in the minds of our forefathers, was intended to do.

Let's stop questioning each other's motives or threatening to block this, block that. Let's work this out. Let's have a full debate on this issue, beginning tonight, going forward tomorrow. I think everybody will be satisfied with the results, once we actually get to some votes.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from West Virginia.

Mr. BYRD. How much time do I now have?

The PRESIDING OFFICER. The Senator from West Virginia has 56½ minutes.

#### MINE SAFETY

Mr BYRD. I thank the Chair.

Mr. President, the great labor leader—and I mean great labor leader—and legendary president of the United Mine Workers of America, John L. Lewis, pleaded the cause of America's working men and women, as he said, "not in the quavering tones of a feeble mendicant asking alms, but in the thundering voice of the captain of a mighty host, demanding the rights to which free people, free men are entitled."

This was the voice of a true coal miner. I know that voice. I grew up in the coalfields of southern West Virginia. My dad—not my father, my dad—Titus Dalton Byrd, was a coal miner. He belonged to the United Mine Workers, then district 29, now district 17, local union 5771. My coal miner dad worked in the coal mines with my father-in-law, my wife's father, Fred James. My wife's brother-in-law was killed by a slate fall in a coal mine. My wife's brother-in-law died of pneumoconiosis, black lung.

I—yes, I—married a coal miner's daughter. You have heard the song "I'm a Coal Miner's Daughter." By whom? By Loretta Lynn.

I married a coal miner's daughter a long time ago. We were married when we were 19. She was 19; I was 19. That marriage lasted almost 69 years, until her death. And today she is in heaven. She is in heaven. Yes, she is in heaven today. I believe that.

Together, my wife Erma and I—mostly Erma—ran a grocery store, yes, in Sophia, WV. Our customers were coal miners for the most part. Our neighbors were coal miners. Our friends were coal miners and others, but coal miners, surely.

Today my constituents in West Virginia, the core—certainly, the core in my viewpoint, but my constituents—

includes coal miners. When I speak about coal miners and their safety underground, I am speaking about coal miners, my people, my family. I am speaking from the bottom of my soul when I speak about coal miners. It is a different breed of people, coal miners. Yes, they would leave the open air and sunshine and go back into the bowels of the Earth to search for their brothers, their brother coal miners—Black or White, it doesn't make any difference. They are all black when they come out of that mine. But they are all coal miners. They are West Virginians. I am talking about my constituents. I am speaking from the heart because that is the heart of my background, the coal miners.

I know what it is to stand at the mouth of a mine after an explosion. I know what it is to see the widows and the children who are left to shed their tears and to bury their loved ones. I know. I have helped to carry coal miners who had died around the mountain-side. Their coffins are very heavy. I am no big man, never was, but I have helped to carry those coffins. And they are heavy, especially when we are walking on hillsides, yes. So I know what I am speaking about, and I am speaking from my heart. That is where I grew up. I expect to be buried there, yes, in the mountain soil of West Virginia.

The coal miner is proud—yes, you better believe it—of his profession. He is patriotic in that he mines the coal that fuels the American economy. You see those lights up there that are lighting this wonderful, beautiful Chamber of the Senate, the only Chamber of its kind in the world, the Senate, yes. The miner fuels those electric lights that surround this Chamber.

He, the coal miner, is religious in that he trusts in almighty God to keep him safe in his dirty, dangerous job; and he trusts in that God to keep and protect his family, while he, the coal miner, is away. He is courageous—you better believe it—in that he goes underground every day, even though he is surrounded by life-threatening hazards; they are overhead. I have been in the mines. I was not a coal miner, but I was in there with my dad—not my father but my dad. I have been in those mines. I heard the timbers, the tree trunks holding up the tons and tons and tons of earth and rock overhead to keep those rocks from crashing to the Earth and killing the miners. I could hear those timbers cracking. When I was in there, I heard the timbers—these trees, as they were. They are cut off, and they are 8, 10, 12, 15 feet, whatever the height of the covering earth is from the floor there; they were coming down. I heard them timbers cracking under that weight.

Coal miners provide so much for my country, for your country, for their country. And we—ROBERT BYRD, Senator ROCKEFELLER, and other Senators and Members in the House—owe them, the coal miners, our best efforts in se-

curing safer working conditions. Not as their alms but their right.

In 1977, the Congress passed—I was in this Senate in 1977—what is arguably the toughest worker safety law in the history of the world, the Federal Mine and Safety Health Act. I helped to write that law. I helped to champion its enactment in the Congress of the United States. It created the Mine Safety and Health Administration, MSHA, within the U.S. Department of Labor—MSHA, the Mine Safety and Health Administration, was in the Department of Labor—and the position of Assistant Secretary of Labor for Mine, Safety, and Health. I helped. I was here.

The opening passages of the MINE Act tell us all we need to know about what MSHA's priorities ought to be:

The first priority and concern of all in the coal or other mining industry must be the health and safety of its most precious resource: the miner, the coal miner.

In recent years, that obligation has been neglected. It has been eroded by a Department of Labor that emphasizes so-called "compliance assistance" programs and has tried to recast its role as a technical consultant to business rather than a protector of working men and women. Let me read that again. In recent years, that obligation has been neglected. It has been eroded by a Department of Labor that emphasizes so-called "compliance assistance" programs and has tried to recast its role as a technical consultant to business rather than a protector of working men and women; namely, coal miners.

The Department's obligation to protect the safety of the coal miners has been eroded by arbitrary spending targets that are designed to appease the White House Budget Office rather than ensure the safety of the coal miners in the coal fields. These policies have fostered the highest casualty rates in the coalfields in more than a decade. Forty-seven coal miners perished—died, dead—last year, half of them in West Virginia. In the opening days of 2006, our Nation mourned as 12 coal miners—yes, my darling wife was on her deathbed at that time in the opening days of 2006; that was last year. Our Nation mourned after a 40-hour rescue effort was unable to save 12 miners at the Sago mine in Upshur County, WV. Our Nation watched with disbelief as an underground mine fire, days later, at the Aracoma Alma mine in Logan County, WV, killed 2 more miners after another exhausting 40-hour rescue effort. The disbelief—yes, the disbelief—soon turned to outrage as congressional hearings and investigative news reports revealed an atrocious safety record at the Sago and Alma mines. The Department of Labor had been lax in assessing penalties for repeat violations. When penalties were assessed, habitual violators were too often given minor slaps on the wrist or had their fines reduced or negated within the appeals process.

Congressional hearings revealed the Department of Labor had abandoned or

had withdrawn countless safety standards prior to the Sago and Alma tragedies, leaving coal miners underground with outdated emergency breathing and communications equipment. How would you like to be a coal miner in those conditions? Emergency preparedness and rescue training had been allowed to fall by the wayside, as the safety of coal miners became a secondary concern to what? To rising corporate profits. Shame, shame. This is the lives of men and women underground, in the bowels of the Earth.

The Department of Labor had allowed the Federal budget for mine safety to be squeezed by lesser priorities, reducing the number of coal mine safety inspectors by 217 since January 2001. The Government Accountability Office—the General Accounting Office—had warned as early as 2003 about the timeliness of inspections, and the Mine Safety and Health Administration, which was created to be an ever-vigilant advocate for the safety of coal miners, had been failing in its duty. Mine safety budgets and regulations had been allowed to erode at the Sago mine.

MSHA could have required better communications. That alone might have saved those miners. It could have mandated better emergency preparedness. It could have been more vigorous in its inspections and assessments of penalties. If MSHA, the Mine Safety and Health Administration, had used its authorities under the Mine Act to the fullest extent possible, those miners who perished at Sago and Alma might have survived. They might have been alive today. Who knows.

Coal mining communities across Appalachia were outraged by these findings, and they demanded action. They marched through the Halls of the Congress carrying pictures of their husbands, their brothers, their sons who had perished in the coalfield.

In response, my illustrious colleague, Senator JAY ROCKEFELLER, and I, along with the entire West Virginia delegation in the House of Representatives—two Democrats and one Republican—introduced mine safety legislation to force the Department of Labor to act. The chairman and ranking member of the Senate Health, Education, Labor, and Pensions Committee, Senators MIKE ENZI and TED KENNEDY, rallied to our cause. Our offices began to craft, to shape, to write important and much needed mine safety legislation.

By the end of May—May, O May, when the flowers bloom—the Senate had passed legislation to add the first new safety requirements to the Mine Act since 1977. The MINER Act required additional oxygen. Oh, I can only live with oxygen. You can only live with oxygen. You, Mr. President, can only live with oxygen. You can't live without it. No, I mean by that, without it, a few minutes. Oxygen. It has been around since Adam and Eve inhabited the Garden of Eden.

The MINER Act required additional oxygen supplies underground. It re-

quired emergency wireless communications within 3 years. It required improvements in emergency preparedness, rescue teams, and accident notification.

Separately, I worked to secure \$36 million in the fiscal year 2006 Iraq supplemental for the Mine Safety and Health Administration, MSHA, to hire additional mine safety inspectors and for the National Institute for Occupational Safety and Health, NIOSH, to expedite the introduction of emergency breathing and communications equipment into the coal mines.

Who am I? I am a member of the Senate Appropriations Committee. Yes, I am the chairman of the Senate Appropriations Committee. So I worked to do that.

By June—the merry month of June—the Congress had passed the MINER Act and added \$36 million to the Federal budget for mine safety. By the end of the summer, the Department of Labor had pledged, with the funds that I, a coal miner's boy, had secured, to hire 170 new coal inspectors by the end of the fiscal year 2007. By the end of calendar year 2006, the coal mining industry had at last focused on getting emergency communications and breathing equipment into the coal mines. That's late, isn't it? By the end of the calendar year 2006, while coal mining has been going on for decades—yes, yes, back beyond the beginning of the 20th century until now—by the end of the calendar year 2006, the coal mining industry had at last focused on getting emergency communications equipment and breathing equipment into the coal mines of America.

The question before the Congress now—do it here, do it now; do it here, do it now. Have you heard that on the radio or TV? Do it here; do it now. The question before the Congress now is, what happens next?

We know that extensive oversight will be required by the Congress not only to ensure that MSHA fulfills its duties under the MINER Act but also to ensure that the coal operators meet their duties. So we know that extensive oversight will be required by the Congress not only to ensure that MSHA fulfills its duties under the MINER Act but also to ensure that the coal operators meet their duties.

The House and Senate appropriations and authorizing committees have a significant role to play in this regard. We must do all—we must do all—that we can to ensure that the deadlines set by the MINER Act are met. We must do all that we can to ensure that wireless communications are available to coal miners within the next 2½ years, after all the many years that have gone before. If that means providing more funds to NIOSH to expedite the development of wireless communications and tracking and prodding the industry along to purchase and install that equipment, count on me. As the old Bible says: Here am I, send me. Here am I, send me.

We know also that several issues have not yet been addressed by the Congress from last year. The Congress has not yet addressed the issue of refuge chambers. The MINER Act required NIOSH to study the issue and report back by the end of this year. About what? Refuge chambers.

The Congress must require MSHA and NIOSH to find a way to make refuge chambers. What does "refuge" mean? A place to go. Refuge chambers, a place to go for refuge, for safety after an explosion. During the explosion, that's a big wind, a big explosion.

The Congress has not yet addressed the issue of whether belt air should be used to ventilate the working areas of underground mines—belt air, a conveyor belt that comes along, a belt, a wide belt that comes on rollers and comes into the mine.

Given how the use of belt air and inadequate safety precautions at Alma Mine resulted in the death of two coal miners last year, this is an issue that will not go away with yet another study and yet another report to the Congress. The Department of Labor must reconsider the belt air rule issued in 2004.

We know that the low level of penalties remains an ineffective deterrent for too many coal operators. I am not against coal operators. We have to have them. They invest money, their money. They invest money. We know the low level of penalties remains an ineffective deterrent for too many coal operators. I know many of them personally. I like them. They like me, I think. Penalties are not commensurate with the seriousness of violations.

The Department of Labor recently informed my office that the accident at the Jim Walters Resources Mine in Alabama that killed 13 miners in 2001 will be punished with a fine as little as \$5,000—\$5,000. That is disgusting. That is disgusting. It is clearly a signal to the Congress that the penalty system demands further improvement.

Last October, MSHA issued its procedural instruction letter to revise the structure for how penalties are assessed by its inspectors. That procedural letter implemented the minimum penalty provision of the MINER Act. However, if higher fines are being assessed by inspectors but continue to be reduced or negated within the appeals process, then MSHA's procedural letter is almost irrelevant.

How much time do I have remaining, may I ask the Chair?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. BYRD. I thank the Chair.

Mr. President, we need to find a way to ensure that fair penalties are assessed by administrative law judges and the Mine Safety and Health Review Commission within the appeals process.

We must continue to review and ask questions about the structure of mine rescue teams and the changes codified by the MINER Act last year. Here is

another area where the rules issued by MSHA in recent years have contradicted the intent and spirit of the 1977 Mine Act.

We must continue to probe whether enough has been done. Two deaths last month in southern West Virginia serve as a macabre reminder that the crisis in the coal fields is not yet over—will probably never be over—but we have got to work at it. It is not yet over. We must be innovative. It is time for us to stop simply addressing mine disasters as they happen. We must seek opportunities to get ahead of the dangers. We must use foresight as well as hindsight.

Last month, I met with the Assistant Secretary of Labor, Mine Safety and Health, Richard Stickler. Mr. Stickler is in his current position because of a recess appointment in October 2006. He has not been confirmed by the Senate, and so his appointment will expire at the end of this year. I am hopeful that he will prove himself a friend of the coal miner. He has a dedicated team at MSHA, which includes many former coal miners who would like to see MSHA do better. I am convinced that more can be done. The question is whether the Department of Labor and the White House will let MSHA do what needs to be done. The Congress will get some insight into that question as it reviews the President's budget request for mine safety, which was delivered today.

As chairman of the Senate Appropriations Committee, and as a Senator who will have some say about the Federal budget for mine safety, hear me when I say that the days of cheating the safety and well-being of our Nation's coal miners are over. The Senate Appropriations Committee will examine the various mine safety accounts, and the Senate Appropriations Committee will make its recommendations to the Senate about where improvements can be made. That process has already begun with the inclusion of \$13 million above—above, on top of, over—the President's request in the continuing resolution for the fiscal year 2007 for MSHA to hire and train additional coal safety inspectors. I and other Senators have encouraged the President of the United States—hear me—to include additional funds to retain those inspectors in his mine safety budget request for the fiscal year 2008, and I am glad that the President appears to have done so.

This is an issue that is close to my heart, and I pledge to do all that I can to increase congressional oversight in the coal field. As a son of the coal fields, the Appalachian coal fields, as the son of a coal miner, I am determined, yes, determined to be the "captain of a mighty host demanding the rights to which free men"—free men—coal miners—"free men are entitled." And women. Free men and women are entitled.

Mr. President, that concludes my prepared speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I say this to the distinguished Senator from West Virginia. I have been privileged to be here but a small fraction of the time that he has, 29 years here and well over 40 for my colleague from West Virginia, but in that period we have worked many times on behalf of coal miners.

Mr. BYRD. Yes.

Mr. WARNER. As the Presiding Officer recognized, my fellow colleague from Virginia, our States are joined.

Mr. BYRD. Yes.

Mr. WARNER. Those mines have a great deal of comparability, those in Virginia and those in West Virginia.

Mr. BYRD. Joined at the hip.

Mr. WARNER. They are joined. The plight of the miners and their families has been a subject that no Senator in the modern history of this Senate has fought harder for than the senior senator from West Virginia, and very often you have involved me and my colleagues, whoever they might be. I have served with three now, the distinguished HARRY BYRD, Jr., whom you will recall, Senator Robb, and Senator Allen. All of us have worked on this subject.

I hope to join you on this, and I hope the Presiding Officer, likewise, will work on this subject of coal mine safety. So I thank my friend.

Mr. BYRD. I thank the distinguished, the very distinguished senior senator from the great State of Virginia. I thank him.

Mr. WARNER. Mr. President, I thank my colleague, and we will work together.

#### EXPRESSING THE SENSE OF CONGRESS ON IRAQ

Mr. WARNER. Mr. President, the cloture vote was very fully discussed by the distinguished Senator from Nevada and the distinguished Senator from Kentucky, with leadership and our ranking members, so I am confident that somehow this matter can be worked out. I want you to know, however, that I stand steadfast behind the content of a resolution I put together, along with Senator BEN NELSON, Senator SUSAN COLLINS, and some eight other cosponsors.

The question is how does the Senate bring it into focus under the complexity of our rules. I won't take the time to deal with that now, but I would say to those following this debate that we stand, the Senators I mentioned, the two principal cosponsors and myself, firmly behind this resolution, the content of which has been amended.

Mr. President, I ask unanimous consent that the amended copy of the resolution be printed in the RECORD following my remarks, allowing ready reference for those persons examining the CONGRESSIONAL RECORD.

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

(See Exhibit 1.)

Mr. WARNER. That resolution has been distorted and misunderstood in the debate thus far. That is one of the reasons I am so anxious to proceed with this debate. I want to make clear, because it was mentioned that perhaps these resolutions were brought along for political cover, that on that issue each Senator has to speak for themselves, but I assure my colleagues that this Senator from Virginia has moved forward with my thoughts and my ideas in the best interest of the country and the best interest of the men and women of the United States military, and not for any political cover. Nor will I, in any way, impugn the motives of Senators whose opinions differ from mine.

This being my 29th year in the Senate, I have never, to my knowledge, ever intentionally, and I don't think indirectly, impugned the motive of any Senator for the position he or she has taken on a matter. We are all patriots. We are equal patriots. We all support the men and women of the Armed Forces. Let that be understood.

I firmly believe, as we are approaching this debate, that it is imperative that the Senate work its will, and work its will in the open, on this issue which is so critical at this point in time in our many years of involvement in the Iraq situation.

I solidly support the President in his view that we cannot accept failure in getting a government, whether it is this one or an ensuing government, in Iraq up and running and functioning such that it can seize the full range of sovereignty in this nation, and not let this nation implode, causing absolute disaster throughout the region. Indeed, certainly as it relates to energy and other issues, it could impact severely on the rest of the world, not only in energy but in a signal that the terrorists have won. We cannot let that happen. So let's let the Senate work its will, and I think our colleagues here, the distinguished leaders, will work out a procedure by which we will do that. The comment was made, and understandably, that this is a nonbinding resolution. Nonbinding. Well, we have them in the history of the Senate. At this time, this Senator is not voting for any cutoff of funds. That is our one constitutional lever we can pull. As a matter of fact, in our resolution—I refer to our resolution as the one that I, together with Senator BEN NELSON and Senator SUSAN COLLINS of Maine have put together—we specifically have included an iteration of the concept advanced by our distinguished colleague Senator GREGG, which may come before the Senate. We solidly support that concept of no cutoff of funds.

What do we do short of that? Well, we have a debate. Somehow you have to have some focal point, something written down, some document in writing as to the ability of this institution, the Senate, to reach a consensus, and a bipartisan consensus, on how best we go

forward with a new strategy in Iraq. That has been my motivation from the very beginning, to put this institution on record on a bipartisan basis. I am not talking about one or two Senators on that side joining all the Senators on this side or vice versa, no, a truly on its face bipartisan consensus, albeit a resolution without any legal force and effect.

It is important that the people of this country give their support to the men and women in uniform and to a strategy which they hope will succeed in our goal of not letting Iraq implode and fall into greater disaster than it is experiencing today. So how do they go about it? The President, in his speech on January 10, explicitly said those who have other ideas, generally speaking, or concepts, bring them forward. That is what we have done. We have exercised what the President has given us, the option to come forward.

To quote the President: "If Members," referring to Congress, "have improvements that can be made, we will make them," he said. "If circumstances change, we will adjust, showing flexibility," said the President.

Using that as our chart, we then proceeded as a group to figure out how best to comment on the President's strategy. We did say, and I repeat it, that the Senate disagrees with the plan to augment our forces by 21,500 and urge the President, instead, to consider all options and alternatives for achieving the strategic goals set forth below. Each Senator has to interpret that phrase, that sentence, as he or she so desires. I repeat that. Each Senator has the right to look at that and decide, one, do you disagree in any way with what the President is doing and the force of 21,500.

I believe we can accomplish the goals this country has set out to accomplish in Iraq, goals that were enumerated by the Baker-Hamilton commission, in a manner that we do not need a full force of 21,500. Indeed, that force, we now learn, could be somewhat higher than that number if you are going to have the essential support troops joined. Unfortunately, there was no reference to that made in the President's speech, and right now it is a matter of debate and contention.

I don't know what the additional figure is, but in my judgment, I say most respectfully that we do not in this resolution in any way challenge or contravene the constitutional provision that you are Commander in Chief and that you can deploy troops which, in your best judgment, are for the security of this Nation and the welfare of the troops. We don't challenge that. We simply accept your offer, we have expressed it, so we support it.

I support, for example, additional troops if they are necessary over and above the current level for operations in Al Anbar. On my last trip to that region, it was clear that the marines had enough troops to do certain portions of

their mission, but it was also clear that additional forces were needed. Perhaps they could come from within the current force structure currently in Iraq. But perhaps you need—to use the word "surge"—some modest surge to meet the requirements for Al-Anbar to be brought under a higher level of security.

Nothing in this resolution prohibits the President from having some portion of that surge force of 21,500 utilized to do those things which are essential—further training of the Iraqi forces, further embedding, enlarging the number of troops to be embedded with the Iraqi forces. Those are the sorts of things this Senator supports. Within the framework of this resolution, I can take those stands.

But I turn now to the principal thing we have in this resolution, and that is one of the main things that I believe has to have greater emphasis. It is as follows. We state it very clearly in a provision in our resolution:

The United States military operations should, as much as possible, be confined to these goals, which were enumerated by the Baker-Hamilton Commission.

I go back and I read the goals here, all set forth on page 6 of the resolution. The military part of this strategy should: focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, supporting Iraqi efforts to bring greater security to Baghdad, and training and equipping Iraqi forces to take full responsibility for their own security.

Therein is the principal motivation.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WARNER. I wonder if I could ask unanimous consent that I could proceed until such time as Senators desiring to come forth and address the standing order, namely—

The PRESIDING OFFICER. We have an order to lay down the motion to proceed. Will the Senator allow that to go forward at this time?

Mr. WARNER. Fine, if the Presiding Officer desires to do that.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXPRESSING THE SENSE OF CONGRESS ON IRAQ—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the motion to proceed to S. 470, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 470) to express the sense of Congress on Iraq.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I wonder if I can ask unanimous consent at this time to proceed for another 5 minutes. Seeing my distinguished colleague on the Senate floor—

Mr. BROWN. If the Senator will yield?

Mr. WARNER. If I might finish the unanimous consent request? Then I will be happy to listen to the Senator.

In other words, at this point in time I ask unanimous consent that we proceed as in morning business such that I could complete in 5 minutes. And my distinguished colleague. We have been waiting for about 2 hours this afternoon. I do not know—perhaps I am mistaken—if there are Senators in the Chamber who wish to address the subject matter of the order just given by the Chair. I wouldn't want to interfere with them going forward.

The PRESIDING OFFICER. Without objection, there is an hour-and-a-half debate scheduled on this motion.

The Senator is recognized.

Mr. REED. Parliamentary inquiry: Is the Chair establishing an order for speaking?

The PRESIDING OFFICER. No order has been established.

Mr. WARNER. If I might say to my distinguished colleague, Mr. REED of Rhode Island, I think the Chair has granted me 5 minutes, to be followed by a period of about 5 minutes to my colleague from Nebraska, Senator BEN NELSON. From that point on, there may be those who wish to address the underlying order, or the Chair could recognize other Senators who wish to speak on the subject.

Mr. REED. If the Chair is ready, I ask that at the conclusion of the 5 minutes of Senator NELSON, I be recognized for 5 minutes.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, and I will not object, I ask unanimous consent that the unanimous consent agreement stipulate that following Senator REED's comments, I be recognized.

The PRESIDING OFFICER. Is there objection to the unanimous consent request as modified by the Senator from Texas? The Chair hears none and it is so ordered.

Mr. WARNER. Mr. President, I thank the Presiding Officer and the preceding Presiding Officer, my distinguished colleague.

I was speaking about the need to have greater involvement of the Iraqi forces. I ask unanimous consent to have this chart printed in today's RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSITION IRAQ TO SECURITY SELF-RELIANCE—IRAQI SECURITY FORCES Ministry of Interior Forces\*

<i>Component</i>	<i>Trained and Equipped</i>
Police .....	***-135,000
National police .....	-24,400

<i>Component</i>	<i>Trained and Equipped</i>
Other MOI forces .....	~28,900
Total .....	<u>**~188,300</u>

*Ministry of Defense Forces*

<i>Component</i>	<i>Operational</i>
Army .....	***~132,700
Air Force .....	~900
Navy .....	~1,100
Total .....	<u>**~134,700</u>

*Total Trained & Equipped ISF: \*\*\*\*~323,000*

\*Ministry of Interior Forces: Unauthorized absence personnel are included in these numbers.

\*\*Ministry of Defense Forces: Unauthorized absence personnel are not included in these numbers.

\*\*\*Army numbers included Special Operations Forces and Support Forces.

\*\*\*\*Does not include the approximately 144,000 Facilities Protection Service personnel working in 27 ministries.

Note.—Data as of January 22, 2007 (Updated bi-weekly by DOD).

Mr. WARNER. It is dated as of January 27, 2007. It says, "Transition Iraq to Security Self-Reliance—Iraq Security Forces."

It lays it out. This is what the American taxpayer has been expending—an enormous sum of money for 2½ years to train the Iraqi forces. I bring to your attention, for the Ministry of Defense Forces: the army, 132,700; air force, 900; the navy, 1,100; total, 134,700. Ministry of Interior, trained and equipped: police, 135,000; national police, 24,400; other MOI forces, 28,900; total, 188,300. That is a total of 323,000 forces trained in the past 2½ years.

In the resolution my distinguished colleagues and I have put together, we specifically say look at all options. I say the Iraqi's are the ones who should be responsible for these problems in Baghdad. We will give them support. We will give them the training. But I say to my colleagues here in the Senate, this is what we have trained these people to do. The Iraqi forces understand the language. They understand the culture. How does an American GI, being thrust into the darkened alleys of this city, with all of the crossfire between the Sunni and the Shia, and Shia upon Shia decide whom to shoot, how to direct the force?

The National Intelligence Estimate just released made mention of this. The report states—I shall read it.

The intelligence community judges that the term "civil war" does not adequately capture the complexity of the conflict in Iraq, which includes extensive Shia-on-Shia violence, al-Qa'ida and Sunni insurgent attacks on Coalition forces, and widespread criminally motivated violence. Nonetheless, the term "civil war" accurately describes key elements of the Iraqi conflict, including the hardening of ethno-sectarian identities, a sea change in the character of the violence, ethno-sectarian mobilization, and population displacement.

I say most respectfully to our President: Mr. President, recognize what we have done in 2½ years to train these people. Let them take the point. Let them take the brunt of the fight. And maybe we do not need 21,500, together with support troops, to go in and do the

job we have trained these people to do themselves.

In this regard I would like to quote from T.E. Lawrence. This quote is also cited in the Army Field Manual on Counterinsurgency. Lawrence said:

Do not try to do too much with your own hands, better the Arabs do it tolerably than you do it perfectly. It is their war, and you are to help them, not to win it for them.

Additionally, the National Intelligence Estimate on Iraq also describes a very complex conflict between all parties in Iraq. Putting American soldiers in the midst of that will require military plans and orders to contain exquisite tactical detail sufficient to afford our men and women in uniform the ability to discern friend from foe in an urban environment.

I, and others, also remain very concerned about the command and control structure that has been planned for this operation in Baghdad. In his January 10, 2007, address to the Nation, President Bush stated that U.S. troops would be "embedded" in Iraqi formations. This left a very serious question about the unity of command. On February 1, General Casey described the command and control as "a non-standard arrangement." This non-standard arrangement must be clarified and our resolution addresses this serious concern.

I yield the floor.

## EXHIBIT 1

## S. CON. RES. 7

Whereas we respect the Constitutional authorities given a President in article II, section 2, which states that "The President shall be commander in chief of the Army and Navy of the United States"; it is not the intent of this resolution to question or contravene such authority, but to accept the offer to Congress made by the President on January 10, 2007, that, "if members have improvements that can be made, we will make them. If circumstances change, we will adjust";

Whereas the United States strategy and operations in Iraq can only be sustained and achieved with support from the American people and with a level of bipartisanship;

Whereas over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States Armed Forces, and are deserving of the support of all Americans, which they have strongly;

Whereas many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan;

Whereas these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our Nation's all volunteer force;

Whereas in the National Defense Authorization Act for Fiscal Year 2006, the Congress stated that "calendar year 2006 should be a period of significant transition to full sovereignty, with Iraqi security forces taking

the lead for the security of a free and sovereign Iraq";

Whereas United Nations Security Council Resolution 1723, approved November 28, 2006, "determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security";

Whereas Iraq is experiencing a deteriorating and ever-widening problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims;

Whereas Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq and Iraqi Security Forces;

Whereas U.S. Central Command Commander General John Abizaid testified to Congress on November 15, 2006, "I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work. I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future";

Whereas Iraqi Prime Minister Nouri al-Maliki stated on November 27, 2006, that "The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the politicians";

Whereas there is growing evidence that Iraqi public sentiment opposes the continued U.S. troop presence in Iraq, much less increasing the troop level;

Whereas, in the fall of 2006, leaders in the Administration and Congress, as well as recognized experts in the private sector, began to express concern that the situation in Iraq was deteriorating and required a change in strategy; and, as a consequence, the Administration began an intensive, comprehensive review by all components of the Executive Branch to devise a new strategy;

Whereas, in December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly";

Whereas, on January 10, 2007, following consultations with the Iraqi Prime Minister, the President announced a new strategy (hereinafter referred to as the "plan"), which consists of three basic elements: diplomatic, economic, and military; the central component of the military element is an augmentation of the present level of the U.S. military forces through additional deployments of approximately 21,500 U.S. military troops to Iraq;

Whereas, on January 10, 2007, the President said that the "Iraqi government will appoint a military commander and two deputy commanders for their capital" and that U.S. forces will "be embedded in their formations"; and in subsequent testimony before the Armed Services Committee on January 25, 2007, by the retired former Vice Chief of the Army it was learned that there will also be a comparable U.S. command in Baghdad, and that this dual chain of command may be

problematic because “the Iraqis are going to be able to move their forces around at times where we will disagree with that movement”, and called for clarification;

Whereas this proposed level of troop augmentation far exceeds the expectations of many of us as to the reinforcements that would be necessary to implement the various options for a new strategy, and led many members of Congress to express outright opposition to augmenting our troops by 21,500;

Whereas the Government of Iraq has promised repeatedly to assume a greater share of security responsibilities, disband militias, consider Constitutional amendments and enact laws to reconcile sectarian differences, and improve the quality of essential services for the Iraqi people; yet, despite those promises, little has been achieved;

Whereas the President said on January 10, 2007, that “I’ve made it clear to the Prime Minister and Iraq’s other leaders that America’s commitment is not open-ended” so as to dispel the contrary impression that exists; and

Whereas the recommendations in this resolution should not be interpreted as precipitating any immediate reduction in, or withdrawal of, the present level of forces: Now, therefore, be it—

*Resolved by the Senate (the House of Representatives concurring),* That it is the sense of Congress that—

(1) the Senate disagrees with the “plan” to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below;

(2) the Senate believes the United States should continue vigorous operations in Anbar province, specifically for the purpose of combating an insurgency, including elements associated with the Al Qaeda movement, and denying terrorists a safe haven;

(3) the Senate believes a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

(4) the Congress should not take any action that will endanger United States military forces in the field, including the elimination or reduction of funds for troops in the field, as such an action with respect to funding would undermine their safety or harm their effectiveness in pursuing their assigned missions;

(5) the primary objective of the overall U.S. strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and strengthen the unity government, ultimately leading to improvements in the security situation;

(6) the military part of this strategy should focus on maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, conducting counterterrorism operations, promoting regional stability, supporting Iraqi efforts to bring greater security to Baghdad, and training and equipping Iraqi forces to take full responsibility for their own security;

(7) United States military operations should, as much as possible, be confined to these goals, and should charge the Iraqi military with the primary mission of combating sectarian violence;

(8) the military Rules of Engagement for this plan should reflect this delineation of responsibilities, and the Secretary of Defense and the Chairman of the Joint Chiefs of Staff should clarify the command and control arrangements in Baghdad;

(9) the United States Government should transfer to the Iraqi military, in an expedi-

tious manner, such equipment as is necessary;

(10) the United States Government should engage selected nations in the Middle East to develop a regional, internationally sponsored peace-and-reconciliation process for Iraq;

(11) the Administration should provide regular updates to the Congress, produced by the Commander of United States Central Command and his subordinate commanders, about the progress or lack of progress the Iraqis are making toward this end; and

(12) our overall military, diplomatic, and economic strategy should not be regarded as an “open-ended” or unconditional commitment, but rather as a new strategy that hereafter should be conditioned upon the Iraqi government’s meeting benchmarks that must be delineated in writing and agreed to by the Iraqi Prime Minister. Such benchmarks should include, but not be limited to, the deployment of that number of additional Iraqi security forces as specified in the plan in Baghdad, ensuring equitable distribution of the resources of the Government of Iraq without regard to the sect or ethnicity of recipients, enacting and implementing legislation to ensure that the oil resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner, and the authority of Iraqi commanders to make tactical and operational decisions without political intervention.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, I state again for my colleagues that this debate is not about support for the troops or support for their extraordinary work on the ground in Iraq. Our troops, the best fighting force in the history of the world, have performed admirably, honorably, and successfully under extreme and dangerous conditions in Iraq. We are not here today to besmirch their efforts, their work, or their sacrifice. To indicate otherwise is disingenuous and out of line.

This is not the time or the place for political attacks. The President even made an offer to Congress before a nationally televised audience on January 10 that, “if Members have improvements that can be made, we will make them.”

This is a debate about a serious topic: What is the way forward in Iraq? How can we achieve a political solution without the additional loss of American lives?

One of my colleagues has said over and over, “this comes down to if you support an escalation or not” and “the American people deserve this debate.” For me, the question is, Will the Senate lead? Will the Senate express its opposition to the surge? I know many do not think passing a nonbinding resolution is leading, and I know others say the resolution goes too far. I say that, on an issue of this magnitude, an issue this important, it is critical for the Senate to speak with the strongest voice possible. Generating a revised resolution with broader appeal was putting our best foot forward in securing the strongest bipartisan vote possible.

I am proud to have worked with my colleague, Senator WARNER, the most

recent past chairman of the Armed Services Committee, and our colleague, Senator COLLINS of Maine, in this cause. They have shown tremendous leadership on this issue, as have Senator LEVIN, Senator BIDEN, and Senator HAGEL. But it seems that even when it comes to the lives of our troops, partisanship prevails. Here we are, after weeks of negotiations, after weeks of public proclamations, after weeks of consideration, about to witness the minority choose politics over progress—and this is after we revised our original resolution to address some of the concerns that were raised by both Democrats and Republicans.

It is important that we point out that this is not simply about being opposed to a surge. It is about opposition to a surge to do what? To go into Baghdad? To go into the midst of sectarian violence, civil war, criminality? There is no opposition to continuing to support troops in Al-Anbar and even an increase in the troops to fight the bad guys in that location. But that is altogether different from going into Baghdad where our troops will be expected to be on the point and in harm’s way in the midst of sectarian violence that is unparalleled across our great world today. But in strong support of Iraq, we must, in fact, do what we can to support Iraq but without putting our troops in the midst of that caldron.

The Baker-Hamilton report made things very clear. We have established benchmarks as well—that we should empower the Iraqi Government to be able to do what it can to quell its own violence. We cannot win their civil war. We cannot stop the violence in Baghdad. Only a political solution achieved by the Iraqis will be able to do that.

If we are to do our duty, if we are to exhibit leadership, let us begin by allowing a full debate on the resolutions we have pending. Let’s talk about the President’s plan to deploy American troops to the crossroads of civil war in Iraq. Let’s talk about holding the Iraqi Government accountable for its responsibilities.

I am prepared to defend the resolutions I have offered with Senators WARNER, COLLINS, and LEVIN. I am prepared to vote on the McCain resolution. And I am prepared for the debate because its time has come.

I ask my colleagues, if not now, when? If not now, do we wait for more troops to die before we oppose the President’s plan? If not now, do we wait for more violence, more unrest, more danger for our troops before we act? Some have said the President deserves one last chance to succeed. How do we ask our troops to do again what has failed in the past? We have had other surges that have not succeeded for a variety of reasons, not the least of which is the Iraqis have not shown up. So what is different this time?

I hope we do not look at this as our last hurrah.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Rhode Island is recognized for 5 minutes.

Mr. REED. Mr. President, I ask unanimous consent that the Senator from Florida, Mr. NELSON, be recognized after the Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, I have a list of speakers on our side, and I would ask to be recognized to ask if the Senator would revise his request that following Senator REED, Senator SPECTER be recognized for 7½ minutes. Then if we can alternate sides, and on our side, then, it would be the Senator from Texas, Mr. CORNYN, for 7½ minutes; Senator LIEBERMAN for 10 minutes; and then Senator HAGEL, who would use the remainder of our time, which I believe would be 8 more minutes. If we could revise the UC to reflect that order of speakers for our time, I would appreciate it.

Mr. BIDEN. Mr. President, reserving the right to object, may I get in the queue?

Mr. REED. Mr. President, might I suggest that while I speak an order be established, and at the conclusion of my remarks I would again make the unanimous consent for that order.

Mr. CORNYN. No objection.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I commend Senator WARNER, Senator NELSON, Senator LEVIN and others who have worked so hard on this resolution. I do believe, like my colleagues, that this measure and an alternative measure deserve an up-or-down vote by the Senate. That is what the American people want, and that is what they should receive.

We embarked on this effort in Iraq more than 4 years ago. From the very beginning I thought this was not a response to an imminent threat to the United States or even to the region. It was based upon highly speculative and, it turns out in many cases, flat wrong intelligence. It represents, in my view, a flawed strategy because the approach the President has taken in Iraq fails to recognize that the major regional threat was not Iraq but Iran and failed to recognize the huge amounts of resources that will be necessary to successfully occupy and stabilize a country the size of Iraq with the cultural and historical issues that are inherent in that country.

The strategy, as I said, I think was flawed. Strategy, to me, means having a clear objective and putting forth the resources necessary to achieve that objective. The objective in Iraq shifted from the WMD allegations, to terrorist connections allegations, to creating a transformative oasis of democracy and free enterprise in a country that has not seen that in many years. And the resources were never adequate for the task.

One of the most important resources in a strategy is public support. I think one of the major problems with the President's last address a few days ago

when he talked about Iraq and his so-called new strategy is that, I believe, he squandered significantly the willingness of the American public to support any proposal made. Without that public support, it will be very difficult to sustain our activities in Iraq.

I think the proof of this failed strategy is evident. Today Iran is in an enhanced strategic position vis-a-vis the United States and is being much more difficult to deal with, with respect to the region and to its aspirations of nuclear technology. We have compromised our efforts in Afghanistan and in Pakistan where real significant threats exist to the world and to the United States. We have diverted our attention from North Korea and from the Iranian aspirations for nuclear technology.

According to many experts such as Hank Crumpton, who is leaving as the Assistant Secretary of State for Counterterrorism:

We have made it more likely this country will be struck by terrorists, not less likely.

Of course, we can talk at length about the incompetent execution of these policies in Iraq, but I want to go right to the heart of what the President is talking about. He suggests that we have a changed strategy. I would suggest that perhaps we are changing our tactics; we are taking American units and putting them in the heart of Baghdad. But it seems that this surge is more of the same, more of the clear hold and build, more of involvement in the existing conflicts of the Iraqi people and not essential to our national security, which would be to protect ourselves from terrorists there, to stabilize the country so it doesn't disintegrate, and also to go ahead and to train, continually train the Iraqi security forces.

Many have criticized this surge on purely military grounds. Too few troops. The doctrine calls for more than 120,000 troops to cover the city of Baghdad. We will be lucky to muster 50,000 to 60,000 to 70,000. Including Iraqi security forces.

There is a lack of unity of command. There is uncertain leadership by the Iraqis. Their commanding general is a virtual unknown who has been plucked by Maliki to lead this effort, probably more for political reliability than for tactical skill. And the rolling start, the gradual buildup has already led many Iraqis in Baghdad to suggest that our efforts have further compromised their security, as evidenced by the bombing just a few days ago of a marketplace in a Shia neighborhood in Baghdad.

The strategy we have to pursue is a complementary and reinforcing strategy involving military, political, and economic steps, together with regional and international diplomacy. It rests fundamentally on the capacity of Iraq and non-DOD, nonuniform military advisers to carry the day. Frankly, the Iraqi Government is in too many cases dysfunctional and incompetent, and elements outside of our uniformed

military personnel—our State Department officials, our Agriculture officials, our Justice officials, our AID officials—have not been in Iraq in sufficient numbers and in sufficient quality to deal decisively with these issues. There is nothing in this plan which suggests that situation will change.

I think we are also at a point where we have been informed by the National Intelligence Estimate of the true nature of the struggle in Iraq. It is a sectarian battle between Shia and Sunni, with insurgents who, according to the NIE, accelerate the violence between these two sectarian groups. It is an existential battle where the Shias feel insecure because they have labored for many years under the yoke of the Saddam Hussein regime, and they don't want to go back there. It is existential from the Sunni position because they see themselves entitled to rule.

I think our best course is outlined in the Warner resolution, clearly stating our disapproval and disagreement with the augmentation as the resolution describes, and focusing ourselves on reconciliation, on both military efforts, but scaled back, and also concentrating on diplomacy and economic activities. I would hope that at least we could get a vote on it and, frankly, I think it will pass.

I yield the floor.

Mr. NELSON of Nebraska. Mr. President, is someone offering the order?

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I believe under the previous UC, if I am not mistaken, the Senator from Pennsylvania would be the next in our queue on our side. If I may ask for clarification, the order that I believe was encompassed in the UC on our side was the Senator from Pennsylvania, then the Senator from Texas, then Senator LIEBERMAN, the Senator from Connecticut, and then Senator HAGEL, the Senator from Nebraska.

Mr. REED. Mr. President, I believe, again, the Senator suggested we would alternate from side to side, and at the conclusion of—in fact, if I may, I have a unanimous consent stating that after Senator SPECTER, I would suggest that from our side the order be Senator NELSON, 5 minutes; Senator BIDEN, 10 minutes; Senator LEVIN, 10 minutes; and Senator SCHUMER, 5 minutes; and they would be alternating between the Republican side and the Democratic side, and the Republican side would be—

The PRESIDING OFFICER. Does the Senator from Texas modify his unanimous consent request to include the remarks and the proposal of the Senator from Rhode Island?

Mr. CORNYN. That is correct. If I could, just in the interest of clarity, and I know this is confusing, Senator SPECTER will be allocated 7½ minutes, followed by myself for 7½ minutes, Senator LIEBERMAN will be allocated 10 minutes, and then Senator HAGEL, 8 minutes, on our side.

Mr. WARNER. Mr. President, reserving the right to object, and I will not, I would like to have Senator COLLINS included for 10 minutes.

Mr. CORNYN. Mr. President, we have 33 minutes total.

The PRESIDING OFFICER. The Senator from Texas has 31 minutes to dole out.

Mr. WARNER. Could Senator COLLINS be accommodated subsequent to the other names that have been enumerated, just to add her to the list, for 10 minutes?

The PRESIDING OFFICER. The time is being counted now until 5:20.

Mr. WARNER. Very well. I will try and work with colleagues to see if we can find time for Senator COLLINS on somebody else's time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition to oppose cloture on the pending motion to proceed on the issue of how to deal with the Iraqi problem.

As I look at this issue, it is one of enormous magnitude, and it ought not to be subject to shortcuts in the debate of the Senate. We pride ourselves on being the world's greatest deliberative body, and now is the time to show it. But what is happening on this motion for cloture and what is happening behind the scenes on negotiations is an effort to short-circuit debate on this matter of great importance, great magnitude. It is the issue which is engulfing the work of this body, the work of the House, and, really, all of Washington, and many of the eyes of the world are focused on this issue. There is no oxygen left in this town except on what to do on Iraq.

I suggest that this is not the kind of an issue where we ought to be short-circuited. There ought to be a full opportunity to debate this issue and all of its ramifications. What is happening behind the scenes is an effort to limit the number of resolutions and/or bills which may be offered as alternatives as to what the course of the United States ought to be on this very important subject.

Although it is arcane and esoteric and not subject to being understood, what is happening, again, behind the scenes, is the threat by the majority to fill up the tree, and that means when a bill is on the floor, if there is a first-degree amendment and a second-degree amendment, both of which are technical in nature and both of which may be offered by the majority leader because of the rule of priority of recognition, nobody else can offer an amendment.

Now, the countersuggestion has been made that there would be two amendments by the Republicans. That is down from five amendments, and it may be that even five are insufficient. As we debate this issue, other ideas may occur as to what ought to happen. But we are dealing with very complex issues.

On this state of the record, I cannot support an additional allocation of 21,500 troops because it is my judgment that would not be material or helpful in what is going on at the present time. This comes against the backdrop of extensive hearings in the Armed Services Committee and Foreign Relations Committee, and in the context of the military having given many estimates with many of those in key command positions saying that no more troops are necessary. This comes with the Iraqi Prime Minister Maliki saying a variety of things but at some times saying he doesn't want any more troops.

This debate ought to be taking up alternative proposals, and the one which is the most attractive to this Senator on this state of the record and has been endorsed by a number of the military is to give notice to the Iraqis that at some point in the future, with the exact time to be determined by the military experts, perhaps 6 months or perhaps some other point, that the Iraqis will be called upon to take over Baghdad, the security of Baghdad, to keep U.S. troops out of the line of fire between the Sunnis and the Shias, and that our current force would remain in Iraq to guard the infrastructure, to guard the oil wells, to give advice and to give training but not to undertake the major responsibility.

The obvious answer ultimately has to be a diplomatic solution, and as long as the Iraqis know that we are going to send in additional troops, that we are going to take over the responsibilities which they should be undertaking, they are going to sit back and let us do it. It is a matter of human nature. If Uncle Sam will do it, why should the Iraqis do it? But if we put them on notice that it is going to be their responsibility at a given time, then that puts the obligation on them.

In the President's State of the Union speech, he was explicit that the Iraqis had to do two things: No. 1, end the sectarian violence, and, no. 2, secure Baghdad. And on this state of the record there is no showing that the Iraqis are capable of doing either.

It is my hope, as we listen to the Senators who have been engaged in these hearings, who have studied the matter in some detail, and as we explore the alternatives, explore the alternative resolution of putting benchmarks that the Iraqis have to meet, when we explore the alternative of limiting funding—which I think there is unanimity we cannot limit funding at a time when American troops will be put in harm's way—this is the time for the Senate to assert congressional responsibility, which we have.

When the President says repeatedly he is the "decider," I say respectfully to the President that is a shared responsibility. Under the Constitution, the Congress has the authority to decide, to maintain armies. The Constitution specifically limited appropriations to 2 years.

However, if we are to assert that responsibility and that support, it seems to me we have to do it in a way which does not limit our debate. Right now, we are under a tremendous time pressure, with only an hour and a half to debate this important matter, and Senators are looking for more time. That is a very poor way for this Senate to approach this very important subject.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. President, in November, General Abizaid told our Senate Committee on Armed Services, when asked did he need any more troops in Iraq, he said "no." Admiral Fallon, who has been chosen by the administration to succeed General Abizaid, when asked did he think by the Senate taking a position in opposition to the President's determination to put 21,000 new troops in Iraq that was undercutting the military forces in Iraq, Admiral Fallon deferred and would not answer that, as some others had been quick to answer in the affirmative.

When General Casey was in front of our committee last week, when asked how many additional troops do you think should be put into Baghdad, he said two brigades—not the five brigades the President has determined.

What we have is a majority of Members in this Senate feel there should not be any increase. We have General Casey, the commander for the last 2½ years, saying there should only be a two-brigade increase. So there is, in fact, conflicting opinion.

If we are going to have any increase in troops in Iraq, the Marine generals in Anbar Province have convinced this Senator that an increase in Anbar Province would be helpful, but the conclusion of this Senator was that putting more American troops in the middle of Baghdad, in the middle of that sectarian violence, was not going to do any good; it was going to put more Americans in harm's way, particularly in the limited numbers the President is talking about.

If we wish to make a difference in Baghdad in the midst of all that sectarian violence, where it has been going on for 1,327 years, since the year 688 A.D., after the death of Mohammed, when the grandson was assassinated because he broke off and that became the Shiite branch and the Sunnis and the Shiites have been at it ever since, if you want to make a difference in Baghdad with all that sectarian strife, put in 50, 100, 200 or 300,000 troops. But 21,000—17,000 of which are going into Baghdad additionally—in this Senator's opinion, is not going to do the job.

As the Senator from Virginia knows, this Senator is one of his cosponsors. I support his resolution. I think it is very important there be truth and openness. In this Senator's position on

the Foreign Relations Committee, on the Senate Committee on Armed Services, and on the Intelligence Committee of the Senate, I have been hammering away at correct information over and over because what we have been dished out over the last several years has been incorrect information.

That leads us to this point where we have to make a judgment. We are a co-equal branch. We are part of the formulation of policy, and it is intended that way by the U.S. Constitution that the people speak through us as well as through the President.

It is my privilege to say I support the Senator from Virginia in his resolution.

The PRESIDING OFFICER. The Senator from Texas is recognized for 7½ minutes.

Mr. CORNYN. Mr. President, as I try to count up the number of positions of Senators articulating either for or against the various resolutions, I count at least six, and maybe there are more.

There are some who say, yes, that the President's plan—basically, that General Petraeus, the architect of that plan, will have responsibility for implementing—that plan ought to get a chance.

Then there are those who say: No, we disagree with that plan. We do not believe that General Petraeus should get the additional five brigades that the plan calls for, but we do think in Anbar Province additional troops ought to go in to fight al-Qaida in Iraq.

Then there is a third position I count that says we think there shouldn't be additional troops, and we want to cap the number of troops, period, and we want to set a timetable for their withdrawal. That would actually be No. 4.

Some of the distinguished Members of this Senate have said these non-binding resolutions are shooting with blanks. What we ought to do is have a vote on cutting off funds because that is the sole way that Congress can have a definitive impact on what is happening. We do not believe any funds should be appropriated for this effort. That is a fifth position, as I count it.

Then there are those—and I find myself in this group—who say: No, we shouldn't cut off funds that support our troops during a time of war. In fact, we ought to give this a chance.

Some of these positions may have some commonality and some may merge and diverge, but the point is, for the majority to say we have one vote on one resolution, in spite of the fact there are at least six positions, as I count them, on this issue is asking Members to accept limited debate and does not reflect the diversity of views in this Senate.

The vote we are going to have at 5:30 tonight—and I thank the distinguished Senator from Virginia and others who, perhaps, share a different view from me on the substance of the resolution, for supporting our right to have a fair process and to have all the various resolutions or, I should say, at least two,

in opposition that ought to be offered, that Senators ought to be given the chance to vote for.

Senator REID, the majority leader, on the floor earlier asked rhetorically: What makes the Baghdad security plan different from the ones that have come before? Let me mention the specific answer to his question. First of all, this is an Iraqi-initiated plan for taking control of the capital of Iraq. No. 2, there will be adequate forces—Iraqis supported by American and coalition forces—to hold neighborhoods cleared of terrorist extremists. Third, there is a new operational concept, one devised not just to pursue terrorists and extremists but actually to secure the city once they are cleared. Fourth, new rules of engagement will pursue that Iraqi and U.S. forces can pursue lawbreakers, regardless of their communities or sect. Five, security operations will be followed by economic assistance and reconstruction aid, including billions of dollars in Iraqi funds, offering jobs and the prospect for better lives.

The reason I support the plan General Petraeus is largely the architect of, and the very same commander whom we have confirmed by unanimous vote about a week or so ago, is because I think it represents the last best chance for success in Iraq. I don't know anyone who believes the status quo is acceptable.

The question is, Are we simply going to give up and see a regional conflict? Are we going to see ethnic cleansing occur? Are we going to see countries that have Sunni majorities come to the aid of their Sunni brothers and sisters who might be the subject of ethnic cleansing by the Shia majority? Are we going to allow Iraq to become another failed state which will then serve as a launching pad for future terrorist attacks, perhaps including against the United States? The risks of that happening by doing nothing or by simply saying what we have been doing now is not working so we are simply going to refuse to endorse any alternative plan because we are not sure it is going to be successful is giving up before we should.

While opinion polls should not govern our conduct, it is significant the one question I have heard, when asked by Opinion Dynamics Poll on the process we are engaged in today, the question was: Congress has been considering a nonbinding resolution expressing opposition to the President's plan to send more troops. By almost two to one, Americans think passing a resolution would do more harm than good; 47 percent in this poll that was reported February 1, 2007, say it is likely to encourage the enemy and hurt troop morale compared with 24 percent who think it would make a positive difference to the policy of the United States toward Iraq.

Regardless of the sincerely held beliefs that I know Senators have on this very important topic, the last thing we

should be forced to do would be to vote on a single resolution when there are so many different points of view that deserve full and fair debate on what is the most important issue that conflicts our country and, literally, the world at this time and that is the global war on terror, the central front of that war in Iraq and what we are going to do about it, whether we are going to give up or whether we are going to try to secure that country in a way that will allow it to govern and defend itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. BIDEN. Mr. President, we will hear a lot, today and this week, of phrases such as "last best chance," "refuse to endorse an alternative plan," "Iraq is a central front of the war on terror." Virtually no one subscribes to any of those three points—all of the experts who have given testimony, the Iraqi Study Group, the plans that have been put forward that are real alternatives.

The President has not put forward a plan. He has put forward a tactic, a tactic that most experts, including his own military, think will make a plan for success less likely to be able to be arrived at.

No one in this Senate, at least in this debate, at least from my perspective, is calling for us cutting and running—none of that. I hope we keep our eye focused, our eye on the ball.

The Senate is today taking a first step toward a bipartisan effort to prevent the escalation of a war in Iraq and to adapt a strategy for Iraq for leaving Iraq without leaving behind chaos.

The first step is to debate and vote the resolution offered by Senator WARNER and reintroduced by Senator LEVIN and me as a bill. That says the Senate disagrees with the President's plan to send 17,500 more American troops into the middle of a city of over 6.2 million people in the midst of a civil war, because what we are afraid of is that the Senator from Texas may be right; this may make things so bad that everyone will conclude there is no more chance of succeeding.

We have vital interests in that region. I am afraid this policy, this tactic of the President, is going to be a self-fulfilling prophecy. The question before us today is whether a minority of Senators will even allow a debate to start. That is what this is about. All they have to do—there will be other resolutions brought up; they are able to be brought up—all they have to do is take issue with this. They can stop the debate by getting 41 votes. But they can actually engage in debate and try to defeat the notion, when the message of this resolution is: Mr. President, stop. No more escalation, Mr. President.

Everyone from the Iraq Study Group to the Biden-Gelb plan, to every other plan that has been put out there says the way to get the Iraqis to reach a political solution is to begin to draw

down American forces. No one, including General Petraeus, whom I know fairly well, suggests there is a military answer. A political solution is required. So to my colleagues who are thinking about trying to block the debate, let me say this: Iraq dominates our national life. It is on the minds of tens of millions of Americans. It shapes the lives of hundreds of thousands of our men and women in uniform and their families. And that the Senate would not even debate, much less vote, on the single most urgent issue of our time would be a total forfeiture of our responsibility.

We have a duty to debate and to vote on the President's tactic. We have a duty to debate and vote on our overall strategy in Iraq. And we have a duty as Senators to speak out and say where we are.

Three weeks ago, Secretary of State Rice came before the Foreign Relations Committee and presented the President's plan. Its main feature is to send more troops, increase the total number of troops, and send them into Baghdad in the middle of a sectarian war.

The reaction on the committee, from Republicans to Democrats alike, ranged from skepticism, to profound skepticism, to outright opposition. That pretty much reflects the reaction all across the country.

So Senator HAGEL joined me and Senator LUGAR and Senator SNOWE. We sat down and wrote a resolution to give Senators a way to vote what their voices were saying, for we believe the quickest and most effective way to get the President to change course is to demonstrate to him that his policy has little or no support across the board, Democrats and Republicans.

After we introduced the resolution, the distinguished ranking member of the Armed Services Committee, Senator WARNER, came forward with his resolution. The bottom line of the resolutions is the same: Mr. President, don't send more Americans into the middle of a civil war.

There was one critical difference. As originally written, the Warner resolution left open the possibility of increasing the overall number of troops in Iraq, when in fact the Iraq Study Group and others said we should be declining to get action from the politicians in Iraq.

We believe that would have sent the wrong message. Not ramp up; again, to draw down, redeploy forces remaining in Iraq. And the best way to make that clear to the Iraqi people is to let them know we are not going to be there forever, as the President said. And they must begin to make the hard compromises necessary for a political solution that virtually everyone agrees is necessary to end this war.

So we approached Senator WARNER to work out our differences, and I am very pleased to say we succeeded in doing that. The language Senator WARNER removed from his resolution removed the possibility that it could be read as call-

ing for a troop increase. With that change, we agreed to support his resolution. And I do.

When I first spoke out against the President's planned surge before the New Year, I made it clear I had one objective: I hoped to build and demonstrate bipartisan opposition to this plan because it was the fastest way to turn the President around. And that is exactly what we have done.

Now we have a real opportunity for the Senate to speak clearly. Every Senator should be given a chance to vote on whether he or she approves or disapproves of the President's tactic to send more troops into the middle of a civil war.

The debate we will have is important, but the debate is as important as the vote. And I hope the American people carefully listen. I predict they will hear very few colleagues stand up and support the President's plan to send more troops into the middle of a civil war. Listen to the voices. Listen to the voices as well as the votes.

Just as important as what we are voting against is what we are voting for. This bill, similar to the Biden-Hagel-Levin-Snowe provision, makes three things clear.

First, Iraq needs a political settlement. Second, the United States has to work with other regional powers. And third, the mission of our forces should be confined to counterterrorism, training, and maintaining the territorial integrity of Iraq.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 2 minutes 55 seconds.

Mr. BIDEN. I will continue, Mr. President.

As I said at the outset, this is the first step, this rejection of the President's increase of more troops into Iraq into the middle of a civil war. But it can set the foundation for everything that follows.

If the President does not listen to the majority of Congress and the majority of the American people, we will have to look for other ways to turn this surge around.

Even if we succeed in this effort, we still need to turn our overall policy around. We need a strategy that can produce a political settlement in Iraq. That is the only way to stop the Shiites and the Sunnis from killing each other and to allow our troops to leave Iraq at an appropriate time without trading a dictator for chaos.

But today my message is simple. The American people want us to debate Iraq, the most important issue of our day. They expect it. They demand it. And if we attempt to hide behind procedure and delaying tactics, I believe the American people will not be very happy. They get it. The question is, Do we?

Are you for or against the President escalating this war in Iraq? I am against it. I believe the majority of Members on both sides are as well. We should vote on that.

I yield the remainder of my time.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Connecticut is recognized for 10 minutes.

Mr. LIEBERMAN. I thank the Chair.

Madam President, America has reached a critical crossroad in the war in Iraq. More than 4 years ago, this Senate voted to authorize the use of force against Saddam Hussein, a tyrant who slaughtered his own people, attacked his neighbors, and threatened our security.

Thanks to the courageous service of the men and women of the American military, that evil regime was overthrown and in its place came hopes for a democracy in the heart of the Middle East, hopes for a victory in the war for the hearts and minds of the Muslim world.

As of today, sadly, as we all know, those hopes have not been realized. Because of the ruthless conduct of our enemies in Iraq, as well as our own failures, we instead today find ourselves on a knife's edge in Iraq.

Now a new course has been chosen. A new commander is in place in Iraq, confirmed unanimously by this Senate. A new Secretary of Defense is in place at the Pentagon, also confirmed overwhelmingly by the Senate. And a new strategy has begun to be put into action on the ground in Iraq by American troops.

It is altogether proper that we debate our policy in Iraq. It should be a debate that is as serious as the situation in Iraq and that reflects the powers the Constitution gives to Congress in matters of war.

But that, sadly, is not the debate that the Warner-Levin resolution invites us to have. I am going to speak strongly against this resolution because I feel strongly about it. I do so with the greatest respect for my colleagues who have offered it. But I believe its passage would compromise America's security, and I will say so within the clearest terms I can muster.

The resolution before us, its sponsors concede, will not stop the new strategy from going forward on the ground in Iraq. In fact, as we speak in the Senate, thousands of American troops are already there in Baghdad, with thousands more moving into position to carry out their Commander's orders. This resolution does nothing to alter those facts.

Instead, its sponsors say it will send a message of rebuke from this Senate to the President of the United States, from one end of Pennsylvania Avenue to the other. But the President has made clear he will not be deterred in carrying out what he sees as his duties and responsibilities as Commander in Chief.

And there is a world well beyond Pennsylvania Avenue that is also watching and listening to what we do. What we say is being heard in Baghdad by Iraqi political leaders, by moderates trying to decide whether we Americans will stand with them over the long term.

What we say is being heard by our men and women in uniform who naturally will be interested in knowing whether we support the plan they have been asked to carry out at risk to their own lives.

What we say in the Senate will be heard by the leaders of the thuggish regimes in Iran and Syria and by al-Qaida terrorists eager for evidence that America's will is breaking.

And what we say in the Senate will be heard across America by our constituents who are wondering if their Congress is capable of serious action, not hollow posturing.

This resolution is not about Congress taking responsibility. It is the opposite. This is a resolution of irresolution.

For the Senate to take up a symbolic vote of no confidence on the eve of a decisive battle is unprecedented. But it is not inconsequential. It is an act which I fear will discourage our troops, hearten our enemies, and showcase our disunity. And that is why I will vote against the motion for cloture.

My colleagues, if you believe that General Petraeus and his new strategy have a reasonable chance of success in Iraq, then you should resolve to support him and his troops through the difficult days ahead and oppose this resolution.

On the other hand, if you believe this new strategy is flawed or that our cause is hopeless in Iraq, then you should put aside this resolution—non-binding—and you should vote to stop what is happening in Iraq, vote to cut off the funds, vote for a binding time line for American withdrawal.

If that is where your convictions lie, then have the courage of your convictions to accept the consequences of your convictions. That would be a resolution.

This nonbinding resolution before us, by contrast, is an accumulation of ambiguities and inconsistencies. It is at once for the war but also against the war. It pledges its support to the troops in the field but then washes its hands of what they have been commanded to do. It urges more troops be sent for Anbar Province but not for Baghdad.

My colleagues, we cannot have it both ways. We cannot vote full confidence in General Petraeus but no confidence in the strategy he says he needs for success.

We cannot say our troops have our full support but disavow their mission on the eve of battle. This is what happens when you try to wage war by committee. And that is why the Constitution gave the authority of Commander in Chief to one person, the President.

Cynics may say this kind of irresolution happens all the time in Congress. In this case, however, they would be wrong. If it passed, this resolution would be unique in American legislative history.

I asked the Library of Congress this question last week and was told that never before, when American soldiers

have been in harm's way, fighting and dying in a conflict Congress had voted to authorize, has Congress turned around and passed a nonbinding resolution such as this one, disapproving of a particular battlefield strategy.

I ask each of my colleagues to stop for a moment and consider the precedent that passage of this resolution would establish. Even during Vietnam, even after the Tet Offensive, even after the invasion of Cambodia, Congress did not take up a nonbinding resolution such as this one.

Past Congresses certainly debated wars. They argued heatedly about them. And they sometimes clashed directly with the executive branch, with the President, over their execution. But in so doing, they accepted the consequences of their convictions.

This resolution does no such thing. It is simply an expression of opinion. It does not pretend to have any substantive effect on policy on the ground in Iraq. But again, I ask my colleagues, what will this resolution say to our soldiers? What will it say to our allies? What will it say to our enemies?

We heard from General Petraeus during his confirmation hearing that war is a battle of wills. Our enemies believe they are winning in Iraq today. They believe they can outlast us, that sooner or later we will tire of this grinding conflict and go home and leave the field in that country open for them. That is the lesson Osama bin Laden has told us, in his writings and statements, he took from our retreats from Lebanon and Somalia in the 1980s and 1990s. It is a belief at the core of the insurgency in Iraq and at the core of the fanatical goals of radical Islam worldwide.

I fear this resolution before the Senate, by codifying our disunity, by disavowing the mission our troops are about to undertake, will confirm our enemies' beliefs that America has grown impatient and unable to fight the long fight to victory. This resolution also sends a terrible message to our allies. Of course, I agree that we must hold the Iraqi Government to account. That is exactly what the resolution Senator MCCAIN and I and others have offered would do. But I ask you, imagine for a moment that you are a Sunni or Shia politician in Baghdad who wants the violence to end, and ask yourself how the Warner-Levin resolution would affect your thinking, your calculations of risk, your willingness to stand against the forces of extremism. Will the resolution empower you or will it undermine you? Will it make you feel safer or will it make you feel you should hedge your bets, or go over to the extremists, or leave Iraq?

Finally, what is the message this resolution sends to our soldiers? I know that every Member of the Senate supports our troops but actions have consequences, often unintended.

I ask unanimous consent that I be given an additional moment to finish my statement. That would come from Senator MCCONNELL's time.

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

Mr. LIEBERMAN. When we send a message of irresolution, it does not support our troops. When we renounce their mission, it does not support our troops. We heard recently in the Senate Armed Services Committee from GEN Jack Keane, a former chief of staff of the U.S. Army, who said of a resolution like this one:

It's just not helpful . . . What the enemy sees is an erosion of the political and moral will of the American people . . .

Our soldiers are Americans first. They clearly understand there's a political process in this country that they clearly support . . . But at the end of the day, they are going to go out and do a tough mission, and I certainly would like to see them supported in that mission as opposed to declaring non-support. . . .

I agree. Everyone here knows the American people are frustrated about the lack of progress in Iraq. Everyone here shares that frustration. And as elected representatives of the people, everyone here feels pressure to give expression to that frustration. This is not a new challenge. It is one that every democracy in every long war has had to confront. Nearly a century and a half ago, an American President wrestled with just this problem. It was in the midst of a terrible war, a civil war in which hundreds of thousands of Americans were fighting and dying to secure the freedom of millions long and cruelly denied it.

"We here highly resolve," that was Lincoln's message at Gettysburg. It was a message of resolution.

I ask unanimous consent for an additional moment from the time of Senator MCCONNELL to finish the statement.

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

Mr. LIEBERMAN. Lincoln said at Gettysburg: "We here highly resolve." It was a message of resolution, of steadfastness in the face of adversity, of hope over despair, and of confidence in the cause of freedom which is America's eternal cause. Today, in the depths of a terrible war, on the brink of a decisive battle for Baghdad, let us have a serious debate about where we stand and where we must go in Iraq. But that is not the debate this resolution of irresolution would bring.

The 60-vote requirement to close debate was put in place by our predecessors as a way to make it harder for the passions of a particular moment to sweep through the American people and across this Congress in a way that would do serious damage to our Nation in the long term. Because I believe this resolution, if passed, would have such an effect, I will respectfully oppose the motion for cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I believe Senator HAGEL is—

Mr. LEVIN. Madam President, I yield to the Senator from Virginia 1 minute

to ask a question of the Senator from Connecticut.

The PRESIDING OFFICER. The Republican leader has the floor.

Mr. MCCONNELL. I am happy to yield the floor, if the understanding is that the Senator from Michigan is next.

The PRESIDING OFFICER. The Senator from Michigan is next for 10 minutes.

The Senator from Virginia.

Mr. WARNER. I thank the Chair.

My question to my good friend and colleague is as follows: This debate is well under way. The plans are being discussed. I just inquired at the desk, and the McCain resolution is not filed. Yet I understood you to say it had been filed. Could you help clarify for the Senate the position on that?

Mr. LIEBERMAN. I would be happy to, briefly. The resolution Senator MCCAIN and I and others have has been prepared and I gather has been the subject of negotiation between Senator REID and Senator MCCONNELL.

Mr. WARNER. But it is not a part of the record so—

Mr. LIEBERMAN. That is right. The debate going on now—

Mr. WARNER. I feel very strongly that the Senate should work its will on facts that are out in the open. I have filed my resolutions, one after the other, at the desk so all Senators could have the benefit. Is that a possibility, that we could have the benefit of this resolution?

Mr. LIEBERMAN. My dear friend, it is more than a possibility; it is a promise.

Mr. WARNER. And what time might the promise be executed?

Mr. LIEBERMAN. There are copies of it around now, and we will get you one. They were publicly distributed Thursday of last week.

Mr. WARNER. I will be glad to give you my copy, but I feel it is presumptuous of me to address it unless it is properly before the Senate.

Mr. LIEBERMAN. I thank my friend. The difference, of course, is that ours is as nonbinding as yours, but ours is a statement of support to our troops and benchmarks to the Iraqis.

Mr. WARNER. Madam President, clearly what is read is correct. But I assure you that I forcefully argue that ours is in support of the troops. There is no suggestion that one is less patriotic than the other, if I may say to my dear friend.

Mr. LIEBERMAN. One is not less patriotic than the other, but actions have consequences. As I said during my remarks, for the Senate to take this unprecedented action on a nonbinding resolution, to disavow, disapprove a mission that our troops are being asked to carry out right now cannot help their morale.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I hope the Senate will be allowed to debate our policy in Iraq by proceeding to this

legislation this afternoon. Iraq is the single most important policy issue facing our country. It was a major issue in the November elections last fall. The American people have strong opinions about what is happening in Iraq. They want their elected officials to debate this issue, and we should do it. The debate should go forward. A filibuster is out of place on war and peace issues, on something of this magnitude. The debate is not about whether we want the United States to act to maximize chances of success in Iraq. We all want to maximize chances of success in Iraq. We all want to see a stable Iraq which enhances our own national security. But the President's course of action, which he has been on for 3½ years and which he has now proposed to continue on to deepen our involvement in Iraq, does not enhance our security. It does not maximize chances of success in Iraq.

The debate is about the best way to maximize chances of success in Iraq. Is the new strategy of the President, which puts over 21,000 more American troops in the middle of an Iraqi civil war, the best way to bring that about? That is what this debate is about. There actually seems to be an agreement among most observers that an Iraqi political settlement is the key to ending the violence in Iraq. The difference of opinion exists on whether Iraqi politicians need breathing space, as President Bush has said, to reach required political compromises or whether, as many of us believe, Iraqi politicians need to be pressured to make those compromises and that the addition of 21,000 more troops doesn't make a political compromise more likely; it just gets us in deeper in the middle of a civil conflict.

The bill we are hoping to proceed to today incorporates the modified Warner resolution verbatim, except for a minor change in order to make it a bill instead of a resolution. The reason for making it a bill instead of a resolution is simply to make it more amendable. Unlike a resolution, which is clumsy to amend, there is no intent to put this modified Warner language in the form of a bill for any other purpose. As a matter of fact, the majority leader has asked for unanimous consent to treat a resolution with Senator WARNER's language as amendable, as though it were a bill, to achieve the goal we are trying to achieve. This unanimous consent was objected to by the Republican leader.

The majority leader, Senator REID, has also told Senator MCCONNELL that we are more than willing to transform this bill into a resolution prior to final passage, if we can get to final passage, if a filibuster does not thwart our getting to final passage.

What does the modified Warner language do which is incorporated into this bill? It makes it clear the Congress disagrees with the President's plan to increase force levels and urges the President instead to consider all op-

tions and alternatives. This bill makes it clear that we will fund troops in the field. There is no difference between these two documents in that regard. Both our bill and the McCain resolution make it clear we want to fund the troops in the field. Our bill makes it clear that the responsibility for Iraq's internal security and for halting sectarian violence must rest primarily with the Government of Iraq and Iraqi security forces. It makes it clear that Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to create a truly unified government contributes to increasing violence in Iraq.

Our bill makes it clear that the primary objective of the overall United States strategy in Iraq should be to encourage Iraqi leaders to make political compromises that will foster reconciliation and establish a true unity government, ultimately leading to improvements in the security situation.

Adding American troops does not increase the probability of achieving the primary objective. Listen to what GEN John Abizaid said when he testified to Congress in November of last year:

I met with every divisional commander, General Casey, the Corps Commander, [and] General Dempsey. We all talked together. And I said to them, in your professional opinion, if we were to bring in more American troops now, does it add considerably to our ability to achieve success in Iraq? And they all said no. And the reason is, because we want the Iraqis to do more. It's easy for the Iraqis to rely upon us to do this work.

Finally, General Abizaid said:

I believe that more American forces prevent the Iraqis from doing more, [prevent the Iraqis] from taking more responsibility for their own future.

Besides making it less likely that the Iraqis will take more responsibility for their own future, adding more American troops is an attempt to reach a military solution to an inherently political problem.

The Prime Minister of Iraq himself stated last November:

The crisis is political, and the ones who can stop the cycle of aggravation and bloodletting of innocents are the [Iraqi] politicians.

Adding more American troops does not pressure Iraqi politicians to be Iraqi leaders and to make the political compromises essential for a political solution; it only allows them to continue what in the words of the National Intelligence Estimate is the "current winner-take-all attitude and sectarian animosities infecting the political scene."

The administration says this bill emboldens the enemy. Congressional debate over Iraq policy doesn't embolden the enemy. The enemy is already emboldened.

What emboldens the enemy is the almost 4 years' presence of Western troops in the middle of a Muslim country's capital, which causes over 70 percent of the residents of that country to oppose our presence.

What emboldens the enemy is the open-ended presence of Western troops, which serves as a magnet for extremists and gives a propaganda club to our enemies.

What emboldens the enemy is invading Iraq without the support of the international community.

What emboldens the enemy is lawlessness and looters ransacking public buildings and institutions in Iraq.

What emboldens the enemy is invading Iraq without a plan for the aftermath of the invasion.

What emboldens the enemy is increasing the number of American troops, which results in Iraqis taking less responsibility for providing security for all the citizens of Iraq.

What emboldens the enemy is the creation of Green Zones protecting Iraqi political leaders, in which they pursue a winner-take-all political approach.

Madam President, how much time do I have?

The PRESIDING OFFICER. One minute 15 seconds.

Mr. LEVIN. Madam President, we owe our troops everything. We owe them the best equipment we can provide. We owe them the best training. We owe their families the best support we can give them.

We also owe them our best thinking. I think it is an insult to the intelligence of our troops to suggest that debating the wisdom of deepening the military presence in Iraq somehow or other emboldens the enemy. Our troops depend upon us to give them what they deserve: support. And part of that support in a democracy is debating the policy which not only brought them there but which keeps them there and, if many of us are correct, will keep them there longer and with greater casualties. The best way to change course in Iraq is to adopt the modified Warner language.

It has been said that this is not as strong as withholding funds. We don't want to withhold funds from troops in the field. We want to change this policy. If you want to change the policy this administration is following, which relies on a military solution, a deepening military presence in Iraq, we hope you will vote for cloture on this bill.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I yield 8 minutes to the Senator from Nebraska, Mr. HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Madam President, I will not speak to the specifics of the resolution or resolutions, but I am confident we will be allowed to debate this week. I say that because I know—and I have complete confidence in the two leaders—that they will, in fact, find an accommodation. They each understand how critically important this debate is for our country and for the world.

I have listened carefully this afternoon to my colleagues, and there will be more intense and engaged and enlightened debate this week. But I believe what we are about here—and we will be about this week—is something far more important than just constitutional responsibilities or resolutions. What we are about is finding a policy worthy of our young men and women and their families who go off to fight and die in a very difficult war. That is what we owe our troops. That is what we owe this country. That is what we owe the world.

It surely is not and cannot be a weakness for America, as seen in the eyes of the world, to openly debate the most critically important issue that any of us will ever debate; that is, war. That is the strength of America, not the weakness of America. The reason America has prospered for over 200 years is because the world has had confidence not in its power, trusted not its power, but trusted America's purpose.

In 1968, when I served with my brother and many others in Vietnam—and I believe I speak for most who were there then, and I have heard from a lot of Vietnam veterans about this debate—I believe that in 1968, the troops, the ones at the bottom doing the fighting and the dying, would have welcomed the Congress of the United States into a debate about Vietnam. They would have welcomed somebody paying attention rather than just going along.

No, Madam President, that is a strength of this country. And surely we have clear constitutional responsibilities. How could anyone argue differently? We have clear constitutional responsibilities here.

I heard my colleague from Connecticut talking about nonbinding resolutions. I don't doubt his staff's research, but I remind the Senator that over the last 12 years there have been a number of nonbinding resolutions debated on this floor—on Bosnia, Kosovo, Somalia, Haiti, and others. I remind some of my colleagues who do not believe it is in the interest of our country or our troops to talk about nonbinding resolutions, papier mache resolutions, senseless resolutions, that they actually voted for some of those resolutions over the last 12 years. I would be very happy to provide for the record a list of how everybody in this Chamber voted over the last 12 years, if they were here, on those resolutions. It might be very interesting and enlightening. Surely it is not because one political party controls the White House and the other does not. Surely it cannot be that.

The National Intelligence Estimate summary—unclassified portions—was made public on Friday. Those watching should have a clear understanding of what that document is and who produced that document. That document is an accumulation of the 16 intelligence agencies of this country. None that I am aware of has had the integrity of the institution they represent—

any of those 16—ever impugned on questions of quality of research—maybe other facets of intelligence but not the integrity of the intent of the product. The National Intelligence Estimate says that we are involved today, and have been, in Iraq in not just a sectarian conflict—a violent, vicious sectarian conflict—but an intrasectional conflict. Is it not time and don't our troops and the American people expect the Congress, after 4 years, when things have gotten progressively worse, not better, to engage? And is it not our responsibility to address the issue of escalating our military involvement, putting American troops in the middle of a sectarian-intrasectional war? Is that not our responsibility? Of course, it is our responsibility.

Madam President, I will have more to say as the debate goes forward this week. As I noted, I have every confidence in our two leaders that they will work out a resolution where we will have this debate because it is clearly in the interest of our country, clearly in the interest of our troops.

With that, I yield back my time and yield the floor.

Mr. WARNER. Madam President, before the Senator yields, I would like to associate myself with his remarks. I, too, have confidence in our leadership being able to work this out accordingly. No matter how strongly I feel about my resolution, I shall vote with our distinguished leader on this issue and hope he can reconcile the differences.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I extend my gratitude to both the Senator from Nebraska and the Senator from Virginia for understanding the importance of having a full-fledged debate.

How much time remains on this side?

The PRESIDING OFFICER. The Republican leader has 5 minutes.

Mr. McCONNELL. Madam President, the Republican side of the aisle is ready for this debate. We are anxious to have it. There are different voices. We just heard from a couple of my distinguished colleagues who have a different view of this debate than I. What we are unified upon is a process that guarantees fairness for the consideration of what is clearly and unambiguously the most significant issue in the country at this moment.

The majority leader and I have been working in good faith on an agreement that provides for a structured debate on the various proposals and votes on each. The other side said we turned down three compromises but, frankly, that is not the full story.

The majority leader said he would agree to a consent that would allow votes on the McCain proposal and the Warner proposal. He also mentioned that he would agree to a 60-vote threshold on each of those. All we are asking for is the same agreement on

the Gregg resolution. Now, in fact, there was demand among Republican Senators for additional alternatives. We were able to pair those down to two.

Why 60 votes? Let me remind all of our colleagues—and certainly the distinguished senior Senator from Virginia doesn't need to be reminded of that, having been here 29 years—that one single Senator can insist that a matter be subject to 60 votes. One single Senator. There are many Senators on this side of the aisle who would insist upon that. So it is a statement of the obvious that matters of consequence in the Senate over the years have developed in the following way: They are all subject to a 60-vote threshold. To suggest that is anything extraordinary really defies our experience here. It is ordinary, not extraordinary, for matters of great controversy—and even, in this day and age, matters of only a little controversy—to be subject to a 60-vote threshold.

Our good friends on the other side of the aisle—and this was an issue the Senator from Virginia was very much involved with in the last Congress—were seeking to establish in one of the last areas where 60 votes was not customarily required—the confirmation of judges—that we should start requiring it there as well. That would leave virtually nothing the Senate would consider, except the budget resolution, not being subject to a 60-vote threshold.

So what we are asking for on the Republican side is not at all extraordinary. The term “filibuster” has become a pejorative term for suggesting that one wants to stop something. Let me repeat, as I have said to the distinguished majority leader, to the Senator from Virginia, and to the Senator from Nebraska, we are not trying to stop this debate. We are trying to structure it in a way that is fair to the competing voices in the Republican conference who will band together shortly in a significant enough number to insist on a fair process.

So that is what this is about, Madam President. I have indicated to the Democratic leader—and I certainly wouldn't want to surprise him—that I intended to propound a unanimous consent request that would be acceptable to our side, and I will be happy to do that now, having given notice to the majority leader that I would do so.

But before doing that, let me say one more time, there is not a single Republican Senator seeking to avoid this debate. We have just heard from two voices that are in the minority in our conference—the Senator from Virginia and the Senator from Nebraska—who don't share my view, who nevertheless will vote against cloture shortly to make the point that this Republican minority insists upon fair treatment on this important debate.

Therefore, Madam President, I ask unanimous consent that at a time determined by the majority leader, after

consultation with the Republican leader, the Senate proceed en bloc to the following concurrent resolutions under the following agreement:

S. Con. Res. 7, the Warner resolution which is to be discharged from the Foreign Relations Committee; McCain-Lieberman-Graham, regarding benchmarks; Gregg related to funding.

I further ask unanimous consent that there be a total of 10 hours—and I will be happy to pick whatever number might be agreeable to the majority leader—of debate equally divided between the two leaders or their designees; provided further, that no amendments be in order to any of the measures; further, that after the use or yielding back of time, the Senate proceed to three consecutive votes on the adoption of the concurrent resolutions in the following order, with no intervening action or debate: first, McCain-Lieberman-Graham; second, Gregg; third, S. Con. Res. 7. Finally, I ask unanimous consent that any resolution that does not achieve 60 votes in the affirmative, the vote on adoption be vitiated and the concurrent resolution be returned to its previous status.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, the vast, vast, vast majority of legislation passed out of this Senate is done by a simple majority. That is a fact. All one has to do is look at the CONGRESSIONAL RECORD. So with this new direction of the minority, it is very clear what is happening. They are trying to avoid debate on this matter. They want a new set of rules.

We have offered them votes, up-or-down votes on McCain, Warner, Gregg, and they turned that down. I said: OK, fine, we will have 60-vote margins on McCain, Warner. They turned that down. So I object, Madam President, and I will continue.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, it is also very interesting—and I have the greatest respect for my friend from Virginia and my friend from Nebraska—but with all due respect to them, how could they vote against a motion to proceed? How could they vote against a motion to proceed saying let the two leaders work this out? What more could we give them than what they asked for last week? But now they want to throw in the Gregg amendment with a 60-vote margin.

Earlier today, the minority leader said: This vote is “about getting fair treatment for the minority here in the Senate.” He was half right. This vote is about fairness but has little to do with being fair to the minority. The vote is about being fair to 132,000 troops already in Iraq by making sure they have the strategy they need to complete their mission so they can come home.

This vote is about being fair to the 48,000 American men and women who would be sent to Iraq should President Bush be permitted to escalate this war.

This vote is about being fair to the bipartisan majority of Senators who seek to voice their opposition to the President's plan to escalate the war.

This vote is about being fair to the American people and the millions of voters who chose a new direction last November.

As Senators, we owe it to our troops and our people to have a real debate about the way forward in Iraq. For 4 years, this body, under the control of the Republicans, sat silent on the most pressing issue facing our country—Iraq. As thousands of our soldiers were killed and tens of thousands wounded, the Senate, directed by the Republicans, sat silent, no debate on Iraq. As hundreds of billions of dollars were spent, the Senate sat silent. Republicans were in charge—no debate. They said no.

As Iraq fell into chaos and civil war, it became increasingly clear that the President's plan was flawed and failing. The Senate sat silent. The Republicans who were in control of the Senate said: No, no debate on Iraq.

As Senators and Americans, we cannot permit the silence to continue. This Democratic majority will not allow it to continue.

The administration's failures have dug us into a deep hole in Iraq—we all know that—and we have an obligation to find a way out. Our troops, most of all, need our help. They need a policy that is as worthy as their heroic sacrifice. They need a legislative branch that will finally exercise its constitutional responsibilities.

Madam President, I say to my friend from Connecticut, I wasn't able to hear all of his speech, but I did hear this that caused me to take note: He said words to the effect: What are the Shia politicians going to think? What are the Sunni politicians going to think if, in fact, Warner passed? I wonder what the Sunni politicians thought, and I wonder what the Shia politicians thought when the Iraqi Prime Minister, duly elected, told the President of the United States that he wanted American troops out of Baghdad. So let's not direct this to Senator WARNER.

A “no” vote on the motion to proceed is a green light to George Bush to continue down the same failed course of almost 4 years.

A “no” vote is an endorsement of escalation, sending 48,000 more troops to Iraq and spending at least an extra \$27 billion—\$27 billion extra—when this war has already cost almost a half a trillion dollars.

A “no” vote is a vote in support of this President continuing the same policy of failure in Iraq.

We have been told by our intelligence experts that the war is not going to be won by the military; it is only going to be won politically. That is what the

Iraq Study Group said. That is what all people say, with rare exception. Those are the people holding hands with the President.

We must heed the results of the November elections and the wishes of the American people. We must change course, and this change starts with this next vote.

This side—Democrats—have offered the minority everything they have asked for. Remember: Vote on Warner, vote on McCain; you want a simple majority; you want a supermajority; we will go along with that. We have been fair to them. Now the Senate must be fair to our troops, their families, and the American people. We must proceed with a debate about Iraq and send a clear message to President Bush that escalation is not the answer.

Some say let the leaders work it out. Part of this stall has been a stall for obvious reasons. If not tonight, tomorrow? I must file a motion to invoke cloture on the continuing resolution because the Republicans said they are going to filibuster it. I have gotten letters to that effect. We should have been debating the Warner, McCain resolutions today, but they have not allowed us. They wouldn't allow us to proceed on this matter.

I am telling everyone within the sound of my voice, a decision will have to be made whether to go further than tonight, but the time is very tenuous—very tenuous. If they stop us from going forward on this debate, this does not end the debate on Iraq. It may end the debate for a few days or a few weeks, but, remember, we have the 9/11 Commission recommendations coming and that is open to amendment and I can guarantee everybody there will be Iraq amendments involved in that debate.

The supplemental bill is coming. This is to fund the war in Iraq basically more than \$100 billion. I think there will probably very likely be a number of amendments dealing with Iraq.

They can run, but they can't hide. We are going to debate Iraq, and they may have gotten all their folks to vote against the motion to proceed, they may stop us temporarily from debating the escalation, but they are not going to stop us from debating Iraq.

We have lost 3,100 soldiers, sailors, and marines. They are dead, Madam President. We don't know the exact number of how many have been wounded—24,000, 25,000.

We are not going to allow the situation in Iraq to continue. It is wrong. There can be no military solution. The President has been told that. I think it speaks volumes when he meets with the Iraqi Prime Minister who is elected, and the Iraqi Prime Minister says: Mr. President of the United States, get all American soldiers out of Baghdad.

That's what he said. I think it speaks volumes when military commanders say that it is not the way to go. We know what Casey said. His tune has

changed a little bit since he was relieved of duty over there.

The families of the 3,100 soldiers who have been killed, the families of the 24,000, 25,000 who have been wounded demand we go forward with this debate.

We are going to start voting momentarily, and remember what the vote is. The vote is whether we can proceed to debate the escalation of the war in Iraq. And the Republicans have told everybody they are all going to vote no. If they think this can pop up real easily again, I think they may have another thing coming.

I repeat, the Republicans left town and left the Government without adequate resources to go ahead and complete funding of the Federal Government for this year. We have to take up the work they did not complete. They funded the Government until February 15, and now it is up to us to make sure the Government continues to run.

If they want to pull a Newt Gingrich and close down the Government, that is their responsibility. But I believe we should move forward and make sure the Government is funded, and there is not a lot of time for Iraq. That is a sad commentary on the situation because we lost days as a result of these parliamentary delays.

I ask unanimous consent that if we get to third reading of S. 470 it then be turned into a concurrent resolution and passage occur on the concurrent resolution and not S. 470. Before hearing how anybody feels about this, I said last week that we would be happy to consider this bill as a resolution. Everybody heard me say that. The American people heard me say that. So anybody who tries to hide under a procedural vote because this is a bill and not a resolution is not being fair because simply I have stated—and I know that everyone in this Chamber heard me say this, and I have said it many times—I ask unanimous consent that if we get to third reading of S. 470, that it be turned into a concurrent resolution and that passage occur on the concurrent resolution and not S. 470.

I add another unanimous consent request to this. I am willing to change it to a concurrent resolution right now, as I was willing to do last week.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, this is essentially the same unanimous consent request propounded last Thursday night. This matter ought to be dealt with as a concurrent resolution. It is clear the other side does not want to vote on the Gregg amendment. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

#### CLOTURE MOTION

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule 22 of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the motion to proceed to Calendar No. 19, S. 470, Bipartisan Iraq legislation.

Carl Levin, Joe Biden, Ken Salazar, Harry Reid, Pat Leahy, Sherrod Brown, Patty Murray, Robert Menendez, John F. Kerry, Barbara Mikulski, Dick Durbin, Jack Reed, Tom Harkin, Dianne Feinstein, Bill Nelson, H.R. Clinton, Herb Kohl, Ben Nelson.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 470, a bill to express the sense of the Congress on Iraq, 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 South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Ms. LANDRIEU), are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Florida (Mr. MARTINEZ) and the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 49, nays 47, as follows:

[Rollcall Vote No. 44 Leg.]

#### YEAS—49

Akaka	Dorgan	Murray
Baucus	Durbin	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Biden	Feinstein	Obama
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown	Kennedy	Rockefeller
Byrd	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Clinton	Levin	Webb
Coleman	Lincoln	Webb
Collins	McCaskill	Whitehouse
Conrad	Menendez	Wyden
Dodd	Mikulski	

#### NAYS—47

Alexander	Domenici	Murkowski
Allard	Ensign	Reid
Bennett	Enzi	Roberts
Bond	Graham	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith
Burr	Hagel	Snowe
Chambliss	Hatch	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Corker	Isakson	Thomas
Cornyn	Kyl	Thune
Craig	Lieberman	Vitter
Crapo	Lott	Voinovich
DeMint	Lugar	Warner
Dole	McConnell	

#### NOT VOTING—4

Johnson	Martinez
Landrieu	McCain

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

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

The PRESIDING OFFICER. The motion is entered.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

Mr. GRASSLEY. Speaking as in morning business?

The PRESIDING OFFICER. Yes.

#### TAX GAP AND THE MINIMUM WAGE

Mr. GRASSLEY. Mr. President, I would like to speak about two issues that have been much in the news lately: the tax gap and the minimum wage bill. We had on the front page of the Times today the discussion about the tax gap. In addition, with the release of the President's budget today, the administration has provided Congress substantive proposals to deal with the tax gap. It is now Congress's responsibility to consider these proposals, review them, and hear from the public and also see what more is possible in terms of addressing the tax gap. But the good news is we have already taken steps in this Congress to deal with the tax gap. We have very important tax reforms and tax gap measures included in the minimum wage bill. So Congress is effectively killing two birds with one stone.

First, we are providing needed tax relief for small businesses that could be harmed by the increase in the minimum wage—and I voted for an increase in the minimum wage. Second, in the minimum wage bill we are going after the tax gap and those who engage in the tax scams.

Two things: No. 1, we are dealing with efforts to help small business and, No. 2, we are at the very same time bringing more money into the Federal Treasury by closing tax scams and reducing the tax gap.

I would say, as a sidenote to my colleagues, particularly the new leaders on the Budget Committee, that these tax provisions are only the latest example of the Finance Committee producing additional revenues by changes in the Tax Code. Unfortunately, I feel as though I need to put on a Sherlock Holmes hat and hire a bloodhound to go out and try to find any savings that the Budget Committee makes and had enacted into law when it comes to the spending side of the ledger. We have more than done our job on the tax side. I say it is time for the Budget Committee to deliver savings on the spending side.

But let me turn back to the tax gap and turn back to the minimum wage bill. I am very pleased that in working with Senator BAUCUS we have, as part of the tax provisions contained in the

minimum wage package, a new provision—a number of provisions, in fact—that will go after those engaged in tax shelters and tax scams and take steps, then, in the process, to address the tax gap—in other words, money that is owed but not paid. I would like to highlight just a few of these provisions that are in the minimum wage bill that are closing the tax gap and shutting down tax scams.

We shut down the SILO scheme. That is an acronym. U.S. corporations cut their tax bills by purchasing and leasing back overseas government facilities such as sewer plants and subways in the country of Germany. We take additional steps to go after corporations that move to the Bahamas and have just a mailbox, not any people, and use the gimmick to cut their taxes. I can't tell you how many times I have heard speeches about that issue from Senators on the other side of the aisle. We can end the talking and we can start doing something about it with these very provisions contained in the minimum wage bill if we do not let succeed people who are talking about separating the tax provisions of the wage bill just to get a minimum wage bill passed.

We also tightened the rules on individuals who expatriate to avoid taxes legally owed in the United States—and we have that happen.

We end the fast and loose ways that corporations account for fines and penalties, so if a corporation gets a penalty for, let's say, polluting the environment, they do not get to deduct that from their income tax. We also increase penalties for those who underpay taxes due to fraud. I think everybody would agree with that. We double the fines and the penalties for those who use offshore financial arrangements to avoid taxes. The Finance Committee views that as a growing problem and a major reason that there is such a tax gap. We expand and improve the whistleblower program which will provide the Internal Revenue Service a roadmap for corporate tax fraud.

We modify the collection due process rules to protect the tax protesters from abusing the system. This is something that the administration proposed in its budget today to help deal with the tax gap.

This collection due process provision contained in the minimum wage bill only emphasizes my point that we can start dealing with a tax gap today, right now.

And then a final provision I will make reference to is one provision that closes a loophole in section 162(m), the \$1 million limitation for corporate executives. The provisions provide that a CEO can't avoid the effects of 162(m) by not being on the job at the end of the year.

Mr. President, forests have been sacrificed to print the speeches that politicians make decrying excessive CEO pay. Yes, we have a provision in the minimum wage bill that tightens the

deduction that can be taken for higher CEO pay.

So I get down to the basics, and I get down to the basics because I have been hearing some rumors from Senators—but more importantly from the leadership of the other body—that in order to get a minimum wage bill passed, we ought to drop the tax provisions and pass the minimum wage bill. But I have always been hearing over the years from those people who are saying: We need to do something about the tax gap; we need to do something about the tax scams; we need to do something about people going offshore to avoid the payment of taxes, and on and on. So I have to ask the Democratic leadership if they are going to put the provisions I am talking about—closing the tax gap, closing down the tax scams—if they want to put those provisions in the trash can. If they do, I would also like to put into the trash all the speeches made on the other side then about CEO pay.

I say this because the time for speeches is over. We can take steps right now with the tax provisions in the minimum wage bill to deal with the tax gap and CEO pay. I have listed these provisions, and as my colleagues know, while many of them are good common sense, these provisions are also not at all popular downtown on K Street or up the eastern coast on Wall Street.

While the debate has focused on the tax breaks for small business in the minimum wage bill—and those are important because they are helping small business overcome some negative impact of the minimum wage increase—it is also critical we pass a much-needed tax gap and anti-abuse provisions contained in the minimum wage bill and pass them now. Delaying these reforms as some would argue—putting them on another tax bill—rewards tax cheats. These reforms are often date and time sensitive. Delay only benefits those who are playing fast and loose with our tax laws.

I can't believe the House Democratic leadership wants the first action they take in the area of taxes to drop these reform provisions—these provisions that would close the tax gap—and signal to the tax cheats that the door is wide open.

Senator BAUCUS and I, working together over the years, have passed into law a good many reforms, and we have shut down a number of tax scams. However, we have been, at times, stymied in the other body—not by Democrats but by Republicans.

We heard a lot of commentary during the elections and afterwards how it was no longer going to be business as usual. My hope is that given the rhetoric of the new House leadership, we could finally pass these anti-abuse tax reforms in the minimum wage bill. I worry, though, that with folks talking about stripping the tax provisions from the minimum wage bill, the House leadership may be singing a new song. But

the results are the same. The House Democratic leadership needs to understand that kowtowing to K Street is not a new direction that was promised by a new majority in the last election. They can show it is not business as usual, as they were condemning Republicans of doing. They can show that by passing all the tax provisions contained in the Senate minimum wage bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### U.S. STRATEGY IN IRAQ

Ms. STABENOW. Mr. President, I rise this evening being greatly disturbed by what happened on the floor of the Senate, after a tremendous amount of good-faith effort and very hard work by our colleagues on both sides of the aisle, bringing together a resolution to offer to this body for a debate, for a full debate on the question of escalating the war in Iraq. What we have seen from the minority is a filibuster that has stopped us from even proceeding—from even proceeding to be able to take up the resolution.

Our majority leader offered to take up other resolutions, some contradicting the one that we wished to have brought forward, to have equally debated resolutions, the same amount of time, the same amount of votes that are needed in order to be able to bring forward the resolutions and possibly pass them.

Every effort by the majority leader was turned down. Every time he brought up a possible solution to be able to bring forward these resolutions and have a full debate, which the American people are demanding that we do, he was told “no.” No, no, no. So we are now in a situation where the minority has voted down the ability for us to even go to a resolution or multiple resolutions dealing with the issue of Iraq, which we are all so deeply concerned about.

Right now it is after midnight in Baghdad, and we have over 130,000 American troops who are settled in for another long night half a world away from home. They are living, working, fighting in the most difficult conditions anyone can imagine. They are patrolling crowded streets. They are standing guard on lonely posts. They are reaching out to Iraqi citizens and putting themselves constantly in harm's way to protect their fellow soldiers. They are there because their Government called them. They come from every corner of this great Nation. They represent every color, creed, religion, and political voice in this country.

I have been to Iraq—many of us have—and I have talked to our men and women in the field and they are the best this country has to offer. For our entire history, they have answered when called. They have gone where we sent them. They have fought when we

have asked them to do so. They have dedicated their lives to preparing for wars they did not want, and when asked, they have executed their training with pride, bravery, and an unwavering spirit.

We are blessed this evening to sleep under the blanket of freedom they provide. And no one—no one in this Chamber—is questioning the job they are doing. We are all patriots in this debate—all of us—with differing views, strongly held views about the best way to move forward. We are all patriots.

I have listened intently over the past weeks, and I have heard colleagues and representatives of the administration state time and again that those of us questioning the President are somehow undermining the morale of our troops. I find that insulting, not only to me and to my colleagues who care deeply about this and who have worked together in a bipartisan way to bring forward this resolution but to our soldiers, our sailors, our airmen, and marines. Open and honest debate about the execution of this war is not only what our armed services expect, it is what they deserve. Our citizen soldiers demand our best, and our best is not idle silence. Our best is not a filibuster that stops a resolution from even coming to the floor so that we can have an open, honest debate about it. Our citizen soldiers are on the frontlines. In this Chamber, we use words, but those words have real-world consequences, and no one lives those consequences more than our troops on the ground. Debate in a democracy does not undermine the morale or the will of our armed services. The lack of a clear, measurable, and achievable mission does undermine what they are doing. That is what we are all wanting to see happen. That is what we want to see developed for them.

They need to know that their leaders have based their orders on reason, not on wishful thinking and on a misguided adherence to a failed strategy. They need to know that their leaders have sensibly considered all of the options available and that those considerations are grounded in fact, not in rhetoric or posturing.

On October 11, 2002, 23 of us in the Senate cast a lonely vote against this White House effort to go to war because the evidence was not clear enough—it just wasn't there—to warrant going to war. I cast that vote because I believed that the pretense for war was based not in definable evidence but on predetermined conclusions. War is a tool of last resort, a decision that should be made with great trepidation when our country is at risk and other options have been exhausted.

From day one, the reasoning for this war has been unclear and inconsistent, from the initial lack of preparedness for securing Baghdad to the most recent call for escalation. We have seen a strategy based on the best-case scenario calculations of politicians, not on the wholly realistic conclusions of ca-

reer military officers. Mistakes have been made at every turn, and 4 years and over 3,000 American lives later and hundreds of thousands of lost lives and injuries of Iraqis, we are still paying the price.

Some have insisted this resolution is a ploy to embarrass the President. This is clearly not our goal. This is not a discussion about politics. It is a debate about policy. Any soldier will tell you there are no politics in a foxhole. The American people, Republicans and Democrats, are asking us to look long and hard at what we are doing in Iraq. We were not elected to stand silently by while our fellow citizens demand answers.

We can't even have a full debate because of the vote that happened. The American people are asking us not only to debate but to come to the right answers, the responsible answers for the direction and strategy in Iraq. Our soldiers deserve that, and we have in front of us a resolution that we couldn't even get enough votes to bring up to discuss, to debate it fully and have a vote. I believe the simple fact is very clear that escalation is not the answer, and I want the opportunity to vote on that, to say that on behalf of the people of Michigan. Putting more Americans in harm's way will not bring our men and women home any sooner. Why would we go further down the path that has led us to this point? Why would we repeat our previous mistakes and call it a new strategy?

A free and stable Iraq can only be secured by the Iraqis. They must embrace responsibility for their collective future and decide that living and dying at the hands of sectarian violence is not the future they want for their children and their grandchildren. We must support their efforts—and I do—but we cannot substitute American troops for Iraqi resolve. With the freedom of self-determination comes the responsibility of collective security.

We must continue to train our friends in Iraq. We must equip them and provide sensible military support based on the advice of our generals and military experts. We must lead them by example, by embracing the realities of our own democratic process as we attempt to collectively solve the challenges in the war in Iraq. How can we be talking to them about the democratic process when that process is stopped right here in the Senate in the ability to openly debate and vote on the resolution?

I stand in support of the Warner-Levin resolution and to say that escalation is a grave mistake. I am certain when judged by our fellow Americans, the votes that many Members will cast, if we have the opportunity to do so, to say “enough is enough” to this White House will be greeted with sober support.

With heaviness in my heart, I am also sadly confident that when judged by history, those who have questioned the reasoning and the execution of this war will have our concerns justified.

We can't change how we got here. We can't change the fact we are in Iraq. That chapter of history is written, set in stone, and paid for with the lives of Americans and Iraqis, and the lives of many other individuals around the world. However, we can learn from the path we have walked. We have the ability to reassess and to change course, to get it right, to put forward our collective best wisdom from everyone who has been involved. On behalf of our soldiers, they deserve that. They deserve a full debate in the Senate, to be able to state our positions on policy, on policy that right now at this moment they are carrying out in Iraq. They deserve the very best debate and very best decisions.

That is what this is about. That is what we were hoping to get tonight, the opportunity to go forward, to work together in a bipartisan way to put forward a statement that says we believe there is a better way, a better strategy than what the President has begun to execute.

I hope we will have an opportunity to vote on this resolution. I welcome other resolutions that colleagues have put forward in good faith. I may not agree with them—and that is all right; that is how the process works—but they deserve debate just as our resolutions deserve debate.

In Iraq, we are talking about their setting up a democracy, the ability to fully debate and participate in their government. We need to show by example that we are not afraid of debate, of involvement, we are not afraid to stand and say what we think and put our own vote and opinions on the line on something so critical to the future of our country, most particularly to our men and women in the armed services and their families, and, frankly, to the world.

We need the opportunity to vote. We need the opportunity to debate. The American people are calling on the Senate to do nothing less. Tonight was not an example of our listening.

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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. SANDERS. Mr. President, in my home State of Vermont and all across this country, the American people are deeply concerned about the war in Iraq. They want real debate here in Washington on this issue and, more importantly, they want real action.

Frankly, I have a hard time understanding why some of my colleagues, regardless of what their position on the war might be, would try to prevent a vote on what is at best a very modest proposal that was brought forth this afternoon. If you like the Warner bill,

you should vote for it. If you do not like it, you should vote against it. But in fairness to the American people, we should have a serious debate and a vote on this issue.

Let me be very clear in giving you my perspective on this war. In my view, President Bush's war in Iraq has been a disaster. It is a war we were misled into and a war many of us believed we never should have gotten into in the first place.

This is a war which the administration was unprepared to fight. The administration has shown little understanding of the enemy or the historical context or the cultural context in which we found ourselves. Who will forget President Bush declaring "mission accomplished" aboard the aircraft carrier Abraham Lincoln when, in fact, the mission had barely begun? Who will forget Vice President CHENEY telling us that the insurgency was in its "last throes," just before some of the bloodiest months of the war took place? Who will ever forget those Bush advisers who predicted that the war would be a cakewalk—nothing to worry about—and that we would be greeted in Iraq as liberators?

This war in Iraq has come at a very, very high price in so many ways. This is a war which has cost us terribly in American blood. As of today, we have lost some 3,100 brave American soldiers, twenty-three thousand more have been wounded, and tens of thousands will come home with post-traumatic stress disorder.

This is a war which, with the President's proposed increase, will cost us some \$500 billion, with the price tag going up by \$8 billion every single month. This cost is going to add to the huge national debt we are already leaving to our children and grandchildren. And it is going to make it more difficult for us to fund health care, education, environmental protection, affordable housing, childcare, and the pressing needs of the middle class and working families of our country, not to mention the needs of our veterans, whose numbers are rapidly increasing as a result of this war.

This is a war which has caused unimaginable horror for the people of Iraq. People who had suffered so long under the brutality of the Saddam Hussein dictatorship are suffering even more today. There are estimates that hundreds of thousands of Iraqis have been killed or wounded and almost 2 million have been forced to flee their country—some 8 percent of their population.

While civil war tears neighborhoods apart, children are without schools, and the Iraqi people lack electricity, health care, and other basic necessities of life. The doctors and nurses, teachers and administrators who have provided the professional infrastructure for the people of Iraq are now long gone.

This is a war which has lowered our standing in the international commu-

nity to an all-time low in our lifetimes, with leaders in democratic countries hesitant to work with us because of the lack of respect their citizens have for our President. Long-time friends and allies are simply wondering what is going on in the United States today. This is a war which has stretched our active-duty military to the breaking point, as well as our National Guard and Reserve forces. Morale in the military is low, and this war will have lasting impacts on the future recruitment, retention, and readiness of our Nation's military. This is a war which has in many respects lowered our capability to effectively fight the very serious threats of international terrorism and Islamic extremism.

Five years after the horrific attacks of 9/11, Osama bin Laden remains free. Using the presence of United States troops in Iraq as their rallying call, al-Qaida's strength around the world continues to grow and the situation in Afghanistan is currently becoming more and more difficult.

Tragically, this administration has refused to listen to the American people who, in this last election, made it very clear that they want a new direction in Iraq, and they want this war wound down, not escalated.

This administration has refused to listen to the thoughtful suggestions of the bipartisan Iraq Study Group, which included two former Secretaries of State, including President Bush's own father's Secretary of State, as well as a former Presidential chief of staff and a former Secretary of Defense, that it was time for a change in direction. This administration has refused to listen to the advice of our military leaders in Iraq who told us that increasing troops from the United States would make it easier for the Iraqi Government and military to avoid their political and military responsibilities.

This administration has refused to listen to the Iraqi people who, according to a number of polls, have told us very strongly that they believe, in the midst of all of the horror and turmoil and violence within their country, that they would be safer and more secure if our troops left their country.

In fact, this administration has tragically refused to listen to almost anybody except that same shrinking inner circle, led by the Vice President, who has consistently been wrong on this issue from day one.

As most everybody understands and as the recent National Intelligence Estimate has confirmed, the situation today in Iraq is extremely dire. The sad truth is there are now no good options before us; there are simply less bad options. In Iraq today, according to Secretary of Defense Bob Gates, there are now at least four separate wars being fought, wars that our soldiers who have fought with incredible bravery and skill find themselves in the middle of.

Let me quote Secretary Gates, who has recently stated:

I believe there are essentially four wars going on in Iraq. One is Shia on Shia, principally in the south; the second is sectarian conflict, principally in Baghdad but not solely. Third is the insurgency, and fourth is Al Qaeda.

The reality today, as described by the Secretary of Defense, has nothing to do with why President Bush got us into this war in the first place. In March of 2002, he told us Iraq had weapons of mass destruction and that they were poised to use those weapons against us. That was not true and certainly has no relevance to the war today. In 2002, the President told us Iraq was somehow linked to al-Qaida and bore some responsibility for the horrific 9/11 attack against our country. That also turned out not to be true and has no relevance to the situation we find ourselves in today.

In the 2006 elections, the American people, in a loud and unmistakable voice, told us they no longer had confidence in the Bush administration's handling of the war in Iraq. In my view, they told us they wanted Congress to begin asserting its constitutional authority over this war, and they wanted us to rein in the administration. Most importantly, they told us they wanted us to begin the process of bringing our troops home as soon as possible. And as a Vermont Senator, that is exactly the effort I intend to make.

In my view, the Warner resolution is far too weak. It is a baby step forward. Whether it is passed or not, it must be followed with much stronger legislation, legislation that has real teeth. Instead of just voicing our disapproval of President Bush's escalation of the war with a nonbinding resolution, we should now be considering legislation that provides for the safe and orderly redeployment of virtually all of our troops out of Iraq within the next year, even as we continue to give support to the Iraq Government and their military for the purpose of helping them accept their political and military responsibilities. That is the legislation we should be debating. That is the legislation we should be passing.

How can we accomplish this withdrawal and redeployment? Regardless of what happens with the nonbinding Warner bill, in the very near future we must bring forth legislation on to the floor of the Senate that would prohibit the use of funds for an escalation of United States military forces without a specific new authorization from the Congress. Secondly, we must consider legislation to require a schedule for the return home of a majority of American forces and the redeployment of the rest of the American forces from Iraq to other places. Finally, we must vote against any additional funding to increase troop levels. In addition, we must set conditions in any future funding bill so that the President is obliged to begin winding down this war.

We are mired in a war that has gone on longer than American involvement

in either the First World War or the Second World War. We will spend more money on this war in real dollars than we spent on either the Korean war or the war in Vietnam. Our standing in the international community has declined, and our ability to combat international terrorism has been seriously compromised. It is time to say no to this ill-conceived escalation. It is time to deploy our troops out of harm's way. It is time to end this war.

#### HONORING CHARLES H. RAMSEY

Mr. DURBIN. Mr. President, I rise today to honor Charles H. Ramsey, who retired as chief of the Metropolitan Police Department at the end of December.

A Chicago, IL, native, Chief Ramsey began his career in law enforcement with the Chicago Police Department in 1968. Over the course of nearly three decades, Ramsey proved himself a dedicated and capable member of the force. He was promoted to Deputy Superintendent of the Bureau of Staff Services in 1994. The position brought with it many new responsibilities and put him in charge of the Department's education and training programs, an area in which Charles Ramsey excelled.

During his tenure with the CPD, Chief Ramsey played an instrumental role in the creation and implementation of the Chicago Alternative Policing Strategy, the city's innovative model of community policing. CAPS was designed to help police officers better understand the communities they were patrolling, rendering them more effective in preventing crime.

Chief Ramsey comanaged the Chicago Alternative Policing Strategy program, which promoted the cooperation of police, community, and city services. The training program to support the CAPS operation model provided guidelines for working with city agencies, and encouraging residents to become involved in their neighborhoods and communities through local meetings with law enforcement officials.

Chief Ramsey brought many of the strategies he piloted in Chicago to Washington when he was appointed chief of the Metropolitan Police Department in April of 1998. Chief Ramsey has said that when he came to the MPDC he found "outstanding people who were frustrated by antiquated technology, vehicles and equipment and perhaps most of all, an overall sense of organizational pride and purpose that needed to be restored." Chief Ramsey made it his goal, over the next 8½ years not only to update the Department's resources, but to restore the Department's sense of pride and to build public confidence in the police.

Under his leadership, the Metropolitan Police Department saw a shift in strategic vision, with a new emphasis on community policing and crime prevention. Chief Ramsey created a system of Regional Operations Commands,

designed to reduce unnecessary bureaucracy and enhance accountability. In eight and a half years, the Department has achieved much success. The crime rate in the District of Columbia is close to 40 percent lower than when Chief Ramsey joined the force. Meanwhile, the department received acclaim for its handling of a number of major events, including the 1999 NATO 50th Anniversary summit and the 2000 protests against the International Monetary Fund and World Bank Group.

Throughout his career, Chief Ramsey has received numerous accolades and been presented with many honors. He received the Gary P. Hayes Award from the Police Executive Research Forum, the 2001 Robert Lamb Humanitarian Award from the National Organization of Black Law Enforcement Executives and the 2001 Civil Rights Award from the International Association of Chiefs of Police. But Chief Ramsey is sure to be remembered for an unlikely partnership that developed shortly after he arrived in Washington.

It began, when Chief Ramsey visited the United States Holocaust Museum at the invitation of the Anti-Defamation League. Following his visit, he considered the ways in which his Department could learn from the history of the Holocaust, in particular the vital role law enforcement must play in protecting civil liberties. Chief Ramsey enlisted the help of the Museum and the ADL in drafting a curricula and training program for his officers. In 1999, "Law Enforcement and Society: Lessons from the Holocaust" was introduced. Since its inception "Law Enforcement and Society" has been used by more than a dozen other departments and the Federal Bureau of Investigation. In 2001, the Anti-Defamation League recognized Chief Ramsey's efforts, presenting him with the Sigmund Livingston Award and Chief Ramsey was honored by the Holocaust Museum in 2005.

I congratulate Chief Charles Ramsey on his many accomplishments throughout his long and distinguished career. I thank him for his leadership in the Metropolitan Police Department and his commitment to public service. I wish him and his family the very best in the years to come.

#### PUBLICATION OF COMMITTEE RULES IN CONGRESSIONAL RECORD

Mrs. FEINSTEIN. Mr. President, I would like to take this opportunity to remind all Senate Committee chairmen that paragraph 2 of the Standing Rules of the Senate requires each Senate committee to adopt rules to govern its procedures. Under this rule, committee rules may not be inconsistent with the Rules of the Senate and must be published in the CONGRESSIONAL RECORD not later than March 1, 2007.

COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, the Rules of Procedure of the Committee on Rules and Administration, adopted on January 31, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE—UNITED STATES SENATE COMMITTEE ON RULES AND ADMINISTRATION

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10 a.m. in room SR-301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as she may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

A. will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

B. will relate solely to matters of the committee staff personnel or internal staff management or procedure;

C. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

D. will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

E. will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

F. may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-

mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the Members present so demand a roll call vote instead of a voice vote, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been in-

formed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a) (3) of rule XXVI of the Standing Rules.)

TITLE IV—AMENDMENTS

1. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 PM the day prior to the scheduled start of the meeting.

2. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Paragraph 1 of this Title shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

3. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign herself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE VI—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

GANG ABATEMENT AND PREVENTION ACT

Mr. SALAZAR. Mr. President, I rise to speak in support of the Gang Abatement and Prevention Act, introduced by Senator FEINSTEIN. Before discussing the details of this bill, I want to state how pleased I am that it has such broad bipartisan support. With 13 sponsors, 7 Democrats and 6 Republicans, I am hopeful that this bill can move quickly through Congress.

Gang-related violence is on the rise, in Colorado and throughout the Nation. Just by way of example: according to the Colorado Bureau of Investigation, Denver is home to roughly 12,470 gang members, who are affiliated with 110 gangs. Nationwide, there are roughly 730,000 gang members. Since 1999 the number of crimes investigated by the Denver gang unit has risen 35 percent; gang members were responsible for fully 35 percent of Denver's firearm-related homicides;

As these statistics show, gang violence is still a serious problem—and we in Congress have an obligation to respond. This bill is a good first-step, because it focuses on four key pillars of effective law enforcement policy: prevention; investigation and prosecution; firm and just penalties; and effective law enforcement training.

On prevention, the bill would authorize \$250 million for intervention programs focused on at-risk youth. These funds would be administered through a new High Intensity Interstate Gang Activity Area program, or HIGAA, which would be designed to facilitate cooperation between Federal, State, and local law enforcement in identifying, targeting, and eliminating violent gangs.

I have firsthand experience with the effectiveness of multijurisdictional law enforcement efforts: the Rocky Mountain High Intensity Drug Trafficking Area program, and the various local multijurisdictional drug task forces in Colorado, have successfully leveraged Federal, State, and local resources to fight crime. I support applying this model to the fight against gangs.

On the investigation and prosecution front, I am pleased that the bill would increase funding for the Justice Department, Federal prosecutors, and FBI agents to coordinate Federal enforcement against violent gangs.

In regards to penalties for gang-related activity, this bill takes a sensible approach. It would replace the current sentencing enhancement for gang-related conduct with a new Federal antigang law that directly criminalizes gang crimes—and related conspiracies and attempts to commit crimes in furtherance of a criminal gang. The bill would also create new Federal offenses prohibiting the recruitment of minors into a criminal gang.

Finally, the bill would authorize \$3-\$5 million per year for the creation of a national gang violence prevention training center and clearinghouse, which would assist local law enforcement with training and the implementation of effective gang violence prevention models. Since my time as attorney general, I have been acutely aware of the importance of effective law enforcement training—and I am pleased that this bill contains provisions which would directly address this important issue.

This is a sensible, comprehensive bill. By focusing on prevention, investigation, prosecution, punishment, and training, I am hopeful that it will give our law enforcement agencies—Federal, State, and local—the resources they need to effectively fight the growth of gangs and gang activity.

#### PASSAGE OF FAIR MINIMUM WAGE ACT OF 2007

Mr. KENNEDY. Mr. President, this momentous achievement that helps so many millions of Americans would not have been possible without the dedication and hard work of our staff.

Of my own staff, I want to give a special thank you to Lauren McGarity for her strong commitment, her deep knowledge, and her hard work on this issue over many months. Lauren, you have really made a difference.

I thank Portia Wu for her help and leadership and especially her able work over the past 2 weeks in handling the many amendments to this legislation.

Thanks also to Missy Rohrbach for helping us manage the floor schedule and for all she does so well.

Thanks, too, to Jonathan McCracken, Jeff Teitz, Dave Ryan, Esther Olavarria, and Laura Capps.

As always, I am grateful also for the leadership of Michael Myers, who has been with me for many years as staff director of our HELP Committee.

But above all my special thanks go to Holly Fechner, my chief labor counsel. This momentous vote is a tribute to her—to her skill, professionalism, and deep dedication to those who are the backbone of this country. Working men and women in America could not have a better friend and champion. Holly is a true leader, and we all owe her a great debt today.

I commend Senator ENZI's staff, too. Katherine McGuire, Ilyse Schuman, Brian Hayes, Kyle Hicks, and Greg Dean. They are real professionals. It is a pleasure to work with them, and I thank them for their courtesies.

Thanks, too, to Senator BAUCUS' able staff for making this victory possible—Russ Sullivan, Pat Heck, and Bill Dauster.

And special thanks for the able leadership of Senator REID's staff, especially Darrel Thompson and Bob Greenawalt. And, of course, Marty Paone, Lula Davis, Tim Mitchell, and Trish Engle as well.

#### TENTH ANNIVERSARY OF THE KENNEDY CENTER MILLENNIUM STAGE

Mr. KENNEDY. Mr. President, this weekend marked the 10th anniversary of the Kennedy Center's Millennium Stage, a remarkable milestone for the center and its special commitment to reach out to the community and expand opportunities for citizens and visitors to enjoy exceptional performances.

At 6 p.m. every evening, 7 days a week, the center presents a free concert with live performers on the Millennium Stage. Former chairman of the board Jim Johnson conceived the idea and guided the center through its early performances. Ever since, a remarkable series of talented musical artists and performing artists have been a part of this effort, from classical to rock and roll, from Sweet Honey in the Rock, KC and the Sunshine Band, to Norah Jones.

More than 3 million people have enjoyed these free performances at the center, and countless more have enjoyed them on the Web casts. It is a wonderful tradition in the Nation's

Capital, and I know that there will be many more brilliant performances in the years ahead.

I urge my colleagues to let their constituents know about these exciting performance opportunities. I ask unanimous consent that an editorial from today's Washington Post and an article from the Washington Post on February 2 about the Millennium Stage anniversary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 5, 2007]  
CONCERTED EFFORT—AN ANNIVERSARY AT THE  
KENNEDY CENTER

Walk into the Kennedy Center around 6 on any given night, and, for only the price of your time, you might hear the National Symphony Orchestra interpreting Mussorgsky, the Joffrey Ballet executing a pas de deux or the Shakespeare Theatre Company soliloquizing from "Twelfth Night." If those offerings are too elevated for you, the Kennedy Center's programmers also attract a range of artists with alternative styles, from folk musician Pete Seeger to punk legend Patti Smith to vocalist and recent Grammy winner Norah Jones.

Tonight's performance will be especially memorable. Ten years ago today, the Kennedy Center held its first free performance on its Millennium Stage, and every night since, tourists and locals alike—more than 3 million so far, by the Kennedy Center's reckoning—have had the opportunity to enjoy world-class performing arts, no expensive tickets required. That's 41,000 artists from all 50 states and 50 countries to date. At a time when metropolitan performing arts centers around the country are coming up short on cash, it is refreshing to see Washington's center prioritize free, consistent and quality performances accessible to the general public. The Kennedy Center's administrators should be proud of this milestone.

Equally impressive is the Millennium Stage's nightly turnout, which programmers estimate at about 350 on average. And crowds at bigger shows range from 500 to several thousand, according to the Kennedy Center's Garth Ross, who credits extensive community outreach for the success of the Millennium Stage. It's what Kennedy Center President Michael Kaiser calls great art well-marketed.

Tonight's anniversary concert promises to be particularly memorable. The National Symphony Orchestra, the Alvin Ailey American Dance Theater and rocker Sufjan Stevens will perform. Tickets for those capacity-filling acts are already gone. But you can watch them on video screens in the Grand Foyer, catch the webcast on the Kennedy Center's Web site or show up any other day of the year to experience more free, live art.

[From the Washington Post, Feb. 2, 2007]

THE KENNEDY CENTER'S OPEN INVITATION

(By Richard Harrington)

With apologies to Joni Mitchell, people have been playing real good for free for the past decade on the Kennedy Center's Millennium Stage. And though nobody stopped to hear Mitchell's street clarinetist, that hasn't been a problem at the Millennium Stage since guitarist Charlie Byrd and pianist Billy Taylor christened it in March 1997 in front of a couple of thousand well-heeled Washingtonians.

Ten years and more than 3 million visitors later, the Millennium Stage remains without equal: the only cultural institution in the

world to offer free performances of jazz, classical, dance, folk and more 24-7-365. And if you can't make it there, you can watch it anywhere. Since April 1, 1999, almost all Millennium Stage performances have been streamed live on the Internet.

In the early days, when the concept of a free-concert-a-day was still catching on, a little-known artist might attract a small crowd; on rare occasions, a choir might even outnumber the audience.

But crowds numbering in the hundreds have long become the norm in the Kennedy Center's Grand Foyer, where folding chairs are set up to hold several hundred people, with an equal number sitting on the carpeted stairs leading to either the Concert Hall or the Eisenhower Theater.

The Grand Foyer lives up to its name. It's one of the world's largest rooms—someone came up with the fact that were the Washington Monument laid horizontally inside, it would fit with 75 feet to spare—and can accommodate about 4,500 people. But more than 6,000 showed up in 2003 to see Colombian superstar Juanes perform. Seating for the 6 p.m. concerts begins about 5:30 p.m., and for that concert, queues stretched from Hall of Nations and Hall of States all the way around the building. As people entered the Grand Foyer, they could look through the huge glass wall and observe the River Terrace line moving as well—a gigantic, festive snake.

Whatever the program, the setting is splendid, particularly before daylight saving time kicks in. At sunset, light streams through the glass wall facing the Potomac, through landscaped willow trees on the River Terrace, a great location for before- or after-performance strolls. The terrace overlooks Theodore Roosevelt Island and the Georgetown waterfront, and you can watch boats floating downriver or the endless chain of planes approaching Reagan National Airport. (The latter can be disconcerting for first-timers; planes seem to be heading directly at the Kennedy Center before banking left for a landing.)

According to Garth Ross, director of the Kennedy Center's Performing Arts for Everyone initiative, the Millennium Stage sometimes makes use of the center's other venues, as when the Concert Hall hosts the National Symphony Orchestra's free performances because "it's the only place we can accommodate them." Last year's inaugural country music festival concluded with 4,000 people crowding the South Plaza for a Western swing dance by Asleep at the Wheel.

But nothing has ever been as complicated as Monday's 10th anniversary celebration of the Millennium Stage, with the center's three major halls offering free performances by the Alvin Ailey American Dance Theater in the Eisenhower Theater, the NSO in the Concert Hall and indie rock icon Sufjan Stevens and members of the Kennedy Center Opera House Orchestra in the Opera House. The U.S. Navy jazz ensemble, the Commodores, kicks things off at the regular Millennium Stage. Tickets for the three shows were distributed last week, but you won't need a ticket for the Grand Foyer, where all the performances will be projected on large screens.

Ross calls Monday's celebration "an endeavor to be all things to all people in one night in a way that's representative of the scope of our commitment and what we've represented artistically over all these years. We're going to be welcoming audiences into our three largest theaters, hopefully cementing the notion that Millennium Stage is a concept first, and not only a venue, but also knowing that the experience of being in those theaters is part of the Kennedy Center experience."

It's the culmination of a decade-long effort to bring the performing arts to the widest possible audience, to reduce the venue's elitist image and to open its doors to younger, more economically and racially diverse audiences that might not otherwise venture near the marble-and-glass edifice.

"It certainly feels to me that it has a much, much broader constituency now than 10 years ago," says James A. Johnson, chairman emeritus of the Kennedy Center and the man most responsible for the Millennium Stage, figuratively and literally. Johnson and his wife, Maxine Isaacs, were founding donors to the Millennium Stage Endowment Fund (to the tune of \$1 million the first year), and he continues to attract donors to cover the Millennium Stage's annual \$1.5 million budget, including current sponsors Target and the Fannie Mae Foundation.

Johnson was chief executive of Fannie Mae before he began his tenure as the Kennedy Center's fourth chairman in 1996, and there is a link between his old job and the Performing Arts for Everyone initiative he introduced that year. A populist approach, Johnson says, "was very much central to my mind. At Fannie Mae, I had tried to be a leader in diversity, in outreach to the community, particularly the minority community. The phrase we used to use is we've got to be unmistakably clear that this institution is not focused on 'white people in black tie.'"

Johnson notes extensive outreach to Washington's diplomatic enclaves and diverse ethnic communities and to schools. "We can't say we're doing our jobs with an appropriate memorial to John F. Kennedy unless it is clearly for everyone, and clearly welcoming to everybody, and we take down the barrier of cost so we don't have an invisible barrier to coming to the institution."

And, Johnson adds, the Millennium Stage was never just an experiment. "We always saw it as an essential, core commitment of the institution, to reach out to the city, to the international community, to people visiting Washington from around the country. It's essential that the program be diverse; it's also essential that nobody need to plan or arrange to do it."

There is, after all, a Washington tradition of free access: The Smithsonian Institution's many museums don't charge admission; neither does the National Gallery of Art.

"But museums don't change their collection every day," Johnson says, adding that the Millennium Stage concept "was at a level of ambition that was substantial: Every single day of the year, there will be a quality performance in the Grand Foyer at 6 o'clock; no ticket required, nor reservation required. Everyone's welcome."

Such ambition was in keeping with the national cultural center chartered by Congress in 1958 under President Dwight D. Eisenhower and envisioned by President John F. Kennedy as a place belonging to every American. Since its opening in 1971, it has become the nation's busiest arts facility, presenting more than 3,300 performances a year, and became home to the National Symphony Orchestra, the Washington Opera and the Washington Ballet.

The Kennedy Center is also a major destination for tourists: Three million people visit the center each year, and 1.2 million stay for paid performances.

Although many cultural institutions offer free performances in some fashion, only London's National Theatre approaches the Kennedy Center, offering free pre-performance concerts in its Djanogly Concert Pitch Monday through Saturday and at lunchtime Saturdays. Those concerts predate the Millennium Stage but are mostly chamber classical and jazz. In 1998, Christopher Hogg, chairman

of Reuters and the National Theatre, sent a note to Johnson thanking the Kennedy Center and Millennium Stage for pointing the way to "doing what's new and innovative with free programming."

Hogg was acknowledging the broad spectrum of performing arts offered, from chamber music and jazz to folk, comedy, country and bluegrass, and loads of dance and theater both homegrown and international. Ross notes the "increased presence of American roots and traditional music and world roots and traditional music, areas of strength that weren't areas the center already had a strong demonstrated commitment to."

"It's performing arts for everyone, but not at the same time," Ross says. "Avant-garde jazz or new classical or really traditional folk, from one show to the next, and one audience to the next, it's not everyone's cup of tea, and that's, in fact, our intent. That allows us to be many things to many people, whereas, as an institution, we have more of [a defined] vision of what we are. Millennium Stage can supplement that in a sort of micro-approach."

Take the Conservatory Project, which presents young artists in classical music, jazz, musical theater and opera from 14 leading undergraduate and graduate conservatories, colleges and universities, including the Juilliard School, Berklee College of Music, New England Conservatory of Music and Baltimore's Peabody Conservatory of Music. Two weeklong celebrations in February and May will feature top young artists making their debuts in the Terrace Theater; many others will appear in the Grand Foyer. As part of the 2005 Festival of China, 100 pianists performed together on the South Plaza; 96 of them were conservatory students.

"Our commitment to presenting students is tied in to our commitment to arts and education and the role that a national arts organization, can, should and, in this case, does play in that," says Ross, adding that it doesn't hurt for people to be able to say they've performed at the Kennedy Center. Although the focus is on a mix of graduate, undergraduate and postgraduate students, Millennium Stage also works with top public school arts programs across the country and a dozen regional school districts during March's Music in Our Schools programs.

Ross says the Millennium Stage is also a platform for partnerships with embassies and presenting organizations that "highlight Washington's role in the cultural fabric of America and the world." That has allowed for performances by such great artists as Juanes, Senegal's Youssou N'Dour and Nigeria's King Sunny Ade, France's Les Nubiens and the Congolese ensemble Konono No. 1.

Roland Celette, cultural attache at the Embassy of France, says the Millennium Stage has presented a wide variety of French performers—"from very classical music and contemporary dance to folk music, jazz and a cappella ensembles"—as part of, and apart from, the 2004 Festival of France. Celette says the French Embassy invites groups "that are not so famous but are very good, so it's a good way for them to get through. . . . Of course, it's very nice for them to have on their resumé an appearance at the Kennedy Center—it has a big prestige—and they very much appreciate that everything is recorded and put on the Web site."

Other partners include the American Folklife Center at the Library of Congress, which annually presents "Homegrown: The Music of America" at the library and the Millennium Stage, and the Smithsonian's annual Folklife Festival. There is some theater and storytelling and a good amount of dance. Much of the latter comes via international programming, but the Millennium Stage commissions three new modern dance works every year.

According to Ross, a father of two, Millennium Stage events are perfect starter concerts. "Since there are no tickets involved, they offer families flexibility because they do not have to commit to a performance ahead of time. It's at a family-friendly hour, and the hour [length] is family-friendly. The [6 p.m. start] was not instituted specifically for families but around the start times of [regular] performances, usually 7:30 or later, but it's a big reason it has been so attractive to families. And it's real performing arts in a real environment." And should anyone get restless—that applies to kids and parents—they can take a walk on the River Terrace and come back.

A Millennium Stage audience can swell to several thousand for well-known artists such as Patti Smith, Frank Sinatra Jr. or Los Lobos. Certain annual events draw huge crowds, such as the Merry Tuba Christmas concert (which can feature as many as 100 tubas) and the All-Star Christmas Day Jazz Jam, now dedicated to Keter Betts, the genial bassist who hosted the concert and helped turn it into a Washington tradition that draws overflow crowds every year. Those crowds can be quite active—whether led in rousing scat song by Bobby McFerrin, 250 hand drummers loudly supporting the Hong Kong Chinese Orchestra or the summer parties that set feet flying to all sorts of dance rhythms.

Washington jazz drummer and vibraphonist Chuck Redd has a long history with the Millennium Stage: He played its opening night with Billy Taylor and Charlie Byrd and has performed there more than two dozen times with his own group, as a guest artist with others and as part of the Christmas Day jams.

"I always enjoy it," Redd says. "It's been one of the best things about the arts scene in Washington for many years, and they're very receptive to booking local and regional musicians." Redd points out that people going to the Kennedy Center for an opera or dance performance may be exposed to a jazz concert for the first time, "so it's been absolutely wonderful for the [jazz] community."

For far-flung family, too: Redd's 15-year-old son, Charlie, a guitarist, has been a guest with dad in recent years, "and all our relatives and friends around the country can watch" on the Internet. Also able to watch are club owners and concert presenters, Redd says, adding that archived Internet performances serve as "an instant demo video around the country. Also, the sound is always excellent, and it's rare you get that in what's not actually a concert hall. I hope we celebrate the 40th anniversary some day." (Redd will play the Millennium Stage on Wednesday, supporting guitarists Steve Abshire and Vince Lewis.)

The Millennium Stage's reputation is so good that some people come without knowing, or caring, what's going to be on stage. In fact, some years back, a major snowstorm prevented the scheduled artists from getting to the Kennedy Center. Ross managed to track down a pianist living in Foggy Bottom, and the show went on—with 200 people somehow getting through to provide the audience. That's loyalty.

#### ADDITIONAL STATEMENTS

##### IN RECOGNITION OF DR. S.B. WOO

• Mr. CARPER. Mr. President, today I wish to acknowledge and commend the efforts of Dr. Shien Biau "S.B." Woo.

Dr. Woo was born in 1937 in Shanghai, China. On October 1, 1949, Mao Zedong

and the Communist Party took control and established the People's Republic of China. After living under communist rule for nearly 6 years, S.B. Woo and his parents came to the United States in 1955 to begin a new life in America.

S.B. Woo took full advantage of this opportunity and earned bachelor of science degrees in mathematics and physics from Georgetown College in Kentucky.

In 1963, S.B. married his wife, Katy, a gifted and accomplished person in her own right. The Woos have been married for nearly 44 years and they have two children, Chi I. and Chi Lan.

S.B. Woo continued his academic career by attaining his Ph.D. in physics from Washington University in St. Louis in 1964. Two years later, he joined the faculty at the University of Delaware, where he became a professor of physics and astronomy.

Dr. Woo has authored numerous scholarly works in the cutting-edge field of physics, with such titles as "Role of Core Size in the Photoelectron Spectrum of Ions with Multiple Detachment Orbitals" and "Zero Core Contribution Calculation of Photodetachment Cross Sections and Photoelectron Spectra of Transition Metal Anions." Now, I'm not exactly sure what these texts are about, but I am sure that S.B. could not only explain them, but that he could explain them in such a way that we would all understand.

In 2002, Dr. Woo retired from teaching, capping a nearly 36-year career at the University of Delaware. He is still rightfully considered by many to be one of the leading experts in the field of physics in our Nation.

While his academic prowess is to be admired, Dr. Woo's greatest contribution has been his steadfast commitment to advancing the cause of Asian Americans in Delaware and across America.

Dr. Woo became the first Asian American to serve in statewide office in Delaware when he was elected lieutenant governor in 1984. With this victory, Dr. Woo became the highest ranking Chinese-American public office holder in the Nation.

Dr. Woo's experience as an immigrant from China gave him a firsthand view of what it is like to come to a new land and begin to build a new life from scratch. While many people would have been satisfied with the success that Dr. Woo found in his chosen fields of physics and politics, he continues his work to improve the way of life for his fellow Asian Americans.

He has worked tirelessly to bring people into the political fold, working to increase voter turnout by reaching out to Asian Americans across the country and encouraging them to become active in the political process.

Today, he also serves as a trustee of the University of Delaware; an Institute Fellow at the Institute of Politics, the Kennedy School of Government, Harvard University; and as the Na-

tional President of the Organization of Chinese Americans.

I honor and commend my good friend Dr. S.B. Woo for his continued service to the State of Delaware and to Asian Americans across this great country. He is a remarkable yet humble man who has overcome many obstacles to reach the top of his chosen fields, and he continues to this day work to improve the lives of others. I consider it a privilege to know S.B. and Katy Woo and to be able to stand here today to speak on their behalf in the Senate.●

#### RECOGNITION OF ROBERT CRAWFORD

• Mr. GRASSLEY. Mr. President, I would like to take a moment today to honor the distinguished civil service career of a particularly remarkable Iowan. Mr. Robert "Bob" Crawford will be retiring shortly from his civilian service to the Department of the Army and in doing so will leave behind a legacy of exceptional support and dedication to his work and to his country.

Over the years, Bob Crawford has amassed a series of professional accomplishments that are truly outstanding. His commitment to his work has earned him a Commander's Award for Civilian Service and he has twice been awarded the Superior Civilian Service Award. Bob's hard work, honesty, and leadership have become defining characteristics of his career and he has earned the respect of his colleagues and peers for his many years of expertise.

Bob Crawford currently works as the Deputy to the commander for the U.S. Army Joint Munitions Command, JMC, where he is entrusted to maintain the development and production of the ammunition supply for our brave service men and women overseas. Before serving in this capacity, Bob worked in a number of different roles within the ammunition production industry, ranging from a production engineer, to a production director, to a deputy for operations, and finally to his current position. While his responsibilities have shifted and grown over the years, Bob Crawford's commitment to the values of the Department of the Army has remained as steadfast and unwavering as ever.

As early as his time at the University of Illinois and then at St. Ambrose University, Bob has been distinguishing himself within his field and I am glad to be able to congratulate him and honor his magnificent career as it now comes to a close. I wish Bob and his wife Sharon and their children in Bettendorf, IA, the very best of luck for the future and I thank him for his 25 years of public service.●

#### TRIBUTE TO HERMAN COLEMAN

• Mr. LEVIN. Mr. President, I would like to take this opportunity to honor the life of Mr. Herman Coleman. Herman was an outstanding and dedicated public servant whose influence, knowledge and achievements were widely

known and highly regarded. Over the course of more than 30 years, Herman held several important positions within the State of Michigan, on the national level and in the private sector. His efforts have made a broad impact.

Herman began his career with the Michigan Education Association, where he would ultimately become the Association's first African-American executive director/ chief administrator. Among other achievements, Herman was an integral part of statewide deliberations regarding the desegregation of Michigan's school districts.

His successful tenure with the MEA led to his appointment as Assistant to the Secretary of the U.S. Department of Education. As Assistant Secretary, Herman drafted Executive Order No. 12232, which provided the framework for increased Federal assistance to historically Black colleges and universities. This order remains in effect today. Herman would continue his efforts to improve and reform education policy after leaving the U.S. Department of Education.

In 1985, Herman was appointed by Governor Blanchard as the first African-American chief executive officer of the State of Michigan Insurance Department. After a successful tenure with the department, Herman sought to make his mark in the private sector as vice president of corporate relations for AAA Michigan, where he oversaw AAA's community relations and governmental affairs departments. Herman then moved to the health care arena as a consultant for the Potomac Group Consultants, and, in 1994, began service as both partner/marketing director and managing partner of the Insured Vehicle Identification Network, IVIN.

Herman Coleman's strong leadership and pioneering efforts throughout his lifetime are evidenced by his many achievements and by the many awards and honors bestowed upon him. His legacy will reverberate for many years. I know my colleagues in the Senate join me in honoring the life of Mr. Herman Coleman and in offering the most sincere condolences to his daughters, Hope and Heather, the rest of his family and to his many colleagues and friends. He will truly be missed.●

#### MESSAGES FROM THE PRESIDENT

The following messages from the President of the United States were transmitted to the Senate by one of his secretaries:

#### REPORT RELATIVE TO THE INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING—PM 3

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

Consistent with the authorities relating to official immunity in the interdiction of aircraft engaged in illicit drug trafficking (Public Law 107–108, as amended, 22 U.S.C. 2291–4), and in order to keep the Congress fully informed, I am providing a report prepared by my Administration. This report includes matters relating to the interdiction of aircraft engaged in illicit drug trafficking.

GEORGE W. BUSH.  
THE WHITE HOUSE, February 5, 2007.

#### REPORT RELATIVE TO BLOCKING PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN COTE D'IVOIRE—PM 4

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire are to continue in effect beyond February 7, 2007.

The situation in or in relation to Côte d'Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces leading to fatalities. This situation poses a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency and related measures blocking the property of certain persons contributing to the conflict in Côte d'Ivoire.

GEORGE W. BUSH.  
THE WHITE HOUSE, February 5, 2007.

#### BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United

States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations:

*To the Congress of the United States:*

America is a country of opportunity. Throughout our history, we have overcome great challenges by drawing on the strength, creativity, and resolve of the American people. We have adapted to change—while maintaining our commitment to freedom and an open economy.

Our economy is strong and growing. Federal revenues are robust, and we have made significant progress in reducing the deficit. The Budget I am presenting achieves balance by 2012. My formula for a balanced budget reflects the priorities of our country at this moment in its history: protecting the homeland and fighting terrorism, keeping the economy strong with low taxes, and keeping spending under control while making Federal programs more effective.

As Commander in Chief, my highest priority is the security of our Nation. My Budget invests substantial resources to fight the Global War on Terror, and ensure our homeland is protected from those who would do us harm. We will transform our military to meet the new threats of the 21st Century and provide the brave men and women on the front lines with the resources they need to be successful in this decisive ideological struggle. The Budget will support a new strategy in Iraq that demands more from Iraq's elected government, and gives American forces in Iraq the reinforcements they need to complete their mission. And it will continue to provide the tools necessary to keep America safe by detecting, disrupting, and dismantling terrorist plots.

The U.S. economy is strong. Since August 2003, 7.2 million jobs have been created. Unemployment is low. Wages are growing. Productivity is strong. Inflation and interest rates are low. And we have seen tremendous progress despite a series of challenges, including recession, the terrorist attacks of 2001, corporate scandals, the costliest natural disaster in our Nation's history, energy price spikes, and a temporary slowdown in the housing sector. The resilience of our economy is a tribute to America's workers and entrepreneurs. And well-timed, pro-growth tax policies helped create the right climate for innovation and entrepreneurship.

The Federal deficit is declining and on a path to elimination. Last year, we successfully met our goal of cutting the deficit in half, three years ahead of schedule. This occurred because tax relief helped the economy to recover and grow, resulting in record-high revenues while we restrained non-security discretionary spending. With continued strong economic growth and spending discipline, we are now positioned to

balance the budget by 2012, while providing for our national security and making tax relief permanent.

My Budget proposes to keep non-security discretionary spending below inflation for the next five years. My Budget also reforms projects and spending that don't get the job done. We need lawmakers' support to help us accomplish this goal—including reforms that will improve the Congressional budget process.

To bolster public confidence in the Government's ability to manage taxpayers' money successfully, Congress should adopt earmark reform. The earmark process should be made more transparent, ending the practice of concealing earmarks in so-called report language never included in legislation. The number and cost of earmarks should be cut by at least half by the end of this session. I have also called on Congress to adopt the legislative line-item veto, which gives the Legislative and Executive Branches a tool to help eliminate wasteful spending. These common-sense reforms will help prevent billions of taxpayers' dollars from being spent on unnecessary and unjustified projects.

To keep this economy strong we must take on the challenge of entitlements. Social Security, Medicare, and Medicaid are commitments of conscience, and so it is our duty to keep them permanently sound. If we do not address this challenge, we will one day leave our children with three bad options: huge tax increases, huge deficits, or huge and immediate cuts in benefits.

In the short term, my Budget works to slow the rate of growth of these programs, saving \$96 billion over five years. This Administration is also actively working with Congress to comprehensively reform and improve these vital programs so they will be strong for the next generations of Americans.

I am optimistic about the future of our country. We are an entrepreneurial and hard-working Nation. And while we face great challenges, we enjoy great opportunities. This Budget reflects our highest priorities while reducing the deficit and achieving a balanced budget by 2012. I am confident that this approach will help make our country more secure and more prosperous.

GEORGE W. BUSH,  
THE WHITE HOUSE, February 5, 2007.

#### MEASURES DISCHARGED

The following measure was discharged from the Committee on Commerce, Science, and Transportation, and referred as indicated:

S. 153. A bill to provide for the monitoring of the long-term medical health of firefighters who responded to emergencies in certain disaster areas and for the treatment of such firefighters; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-580. A communication from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, the annual report on the HOPE VI program; to the Committee on Banking, Housing, and Urban Affairs.

EC-581. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska natural gas pipeline and describing any issue impeding that progress; to the Committee on Energy and Natural Resources.

EC-582. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Corrections and Updates to Technical Guidelines for Voluntary Greenhouse Gas Reporting" (RIN1901-AB23) received on January 31, 2007; to the Committee on Energy and Natural Resources.

EC-583. A communication from the Acting Officer, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Abandoned Mine Land Reclamation Plan" (Docket No. TX-056-FOR) received on February 1, 2007; to the Committee on Energy and Natural Resources.

EC-584. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, a report relative to a document recently issued by the Agency related to its regulatory programs; to the Committee on Environment and Public Works.

EC-585. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "North Dakota State University v. United States, 255 F.3d 599 (8th Cir. 2001), nonacq., 2001-2 C.B. xv" (Action on Decision: AOD 2007-6) received on January 31, 2007; to the Committee on Finance.

EC-586. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice on Closing Agreements for Certain Life Insurance and Annuity Contracts that Fail to Meet the Requirements of Sections 817(h), 7702 and 7702A" (Notice 2007-15) received on January 31, 2007; to the Committee on Finance.

EC-587. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Rev. Proc. 2001-42" (Rev. Proc. 2007-19) received on January 31, 2007; to the Committee on Finance.

EC-588. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Diversification of Investments in Certain Defined Contribution Plans—Section 901 of Pension Protection Act" (Notice 2006-107) received on January 31, 2007; to the Committee on Finance.

EC-589. A communication from the Assistant Secretary, Office of Legislative Affairs,

Department of State, transmitting, pursuant to law, a report on the actions of departments and agencies relating to the prevention of nuclear proliferation from January 1 to December 31, 2005; to the Committee on Foreign Relations.

EC-590. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-591. A communication from the Secretary of State, transmitting, pursuant to law, the Department's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. DOLE (for herself and Mr. BURR):

S. 488. A bill to revise the boundary of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WARNER:

S. 489. A bill to improve efficiency in the Federal Government through the use of green buildings, and for other purposes; to the Committee on Environment and Public Works.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 490. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. REID, Mr. COBURN, Mr. OBAMA, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. FEINGOLD, Mrs. DOLE, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. KENNEDY):

S. Res. 69. A resolution recognizing the African-American spiritual as a national treasure; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. CORNYN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. THUNE, Mr. HATCH, and Mr. ROBERTS):

S. Res. 70. A resolution expressing the sense of the Senate that the Commander of Multinational Forces-Iraq and all United States personnel under his command should receive from Congress the full support necessary to carry out the United States mission in Iraq; to the Committee on Foreign Relations.

By Mr. INHOFE:

S. Res. 71. A resolution expressing support for the Transitional Federal Government of the Somali Republic; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 5

At the request of Mr. REID, the names of the Senator from Washington

(Mrs. MURRAY) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 67

At the request of Mr. INOUE, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 67, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 93

At the request of Mr. STEVENS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 93, a bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

S. 214

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 214, a bill to amend chapter 35 of title 28, United States Code, to preserve the independence of United States attorneys.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 291

At the request of Mr. SMITH, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 291, a bill to establish a digital and wireless network technology program, and for other purposes.

S. 311

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

At the request of Mr. STEVENS, his name was added as a cosponsor of S. 311, supra.

At the request of Mr. BROWN, his name was added as a cosponsor of S. 311, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of S. 311, supra.

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 311, supra.

S. 322

At the request of Mr. DORGAN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 322, a bill to establish an Indian youth telemental health demonstration project.

S. 340

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 340, a bill to improve agricultural job opportunities, benefits, and security for aliens in the United States and for other purposes.

S. 388

At the request of Mr. THUNE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 388, a bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State.

S. 402

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 402, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 431

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 431, a bill to require convicted sex offenders to register online identifiers, and for other purposes.

S. 433

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 433, a bill to state United States policy for Iraq, and for other purposes.

S. 439

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of

military service or Combat-Related Special Compensation.

S. 448

At the request of Mr. FEINGOLD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 448, a bill to prohibit the use of funds to continue deployment of the United States Armed Forces in Iraq beyond six months after the date of the enactment of this Act.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decision-making so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. CON. RES. 7

At the request of Mr. LEVIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress on Iraq.

At the request of Mr. WARNER, the names of the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Oregon (Mr. SMITH), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. Con. Res. 7, supra.

S. RES. 18

At the request of Mr. INOUE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 18, a resolution expressing the sense of the Senate regarding designation of the month of November as "National Military Family Month".

AMENDMENT NO. 97

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 97 intended to be proposed to S. 294, a bill to reauthorize Amtrak, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 489. A bill to improve efficiency in the Federal Government through the use of green buildings, and for other purposes; to the Committee on Environment and Public Works.

Mr. WARNER. Mr. President. I rise to introduce the Green Buildings Act of 2007. This bill is intended to continue the hard work of our former colleague

from Vermont, Senator Jim Jeffords, and would place an emphasis on energy efficient and healthy building environments.

In the opening weeks of this 110th Congress we have seen a significant focus on the future energy security and environmental health of our Nation and indeed the world. Much attention has been paid to the issue of global climate change and it is my firm belief that not only are the energy and environmental challenges that we face today varied, but that our solutions must be multi-faceted. In order to meet the rising demands of a growing world population and its expanding economies, we need to address the way we create energy, conserve energy, and preserve the environment.

Green Buildings are structures that are designed and built with energy-efficient and renewable materials to conserve energy and environmental resources. These buildings last longer, use less energy, and promote a healthier environment for those who may work or live in them. Green buildings have reduced electricity, heating, and cooling requirements; use less water; and may even use renewable sources of water and electricity. Recent volatility in energy costs and constraints on the electricity grid in much of the U.S. have led developers to explore the potential economic benefits of these efficient buildings as well. It is my belief that green buildings will become a significant contributor to America's energy conservation efforts and that is why I am introducing this bill today.

The proposal I offer today is one small step in the right direction and draws upon a bill approved by the Environment and Public Works Committee in 2006. The federal government is already setting an example in energy efficiency under the leadership of the White House and Department of Energy. This bill will take the next step and create an office within the General Services Administration (GSA) to oversee green building initiatives within the Federal Government and provide support for information to State and local governments as well as the private sector. With almost 9,000 buildings and 340 million square feet of space, the GSA has the experience and expertise to manage this effort for the Federal Government. The Office of Green Buildings at the GSA will be advised by a Green Buildings Council to be comprised of Federal, State, local, and private sector participants to establish guidelines and create resources for public and private builders across the country. It is my hope that the use of green buildings in the Federal real estate portfolio will contribute to increased health of the public, productivity of work, and conservation of energy.

While some portions of the private sector have caught on to the many benefits of green or "sustainable design," this bill's establishment of grants

through the Environmental Protection Agency's (EPA) to assist school systems in their school construction efforts will bring these benefits to the places our children spend so much of their time and the facilities that consume a significant amount of energy in our communities. In addition to grants to school systems, the bill would create an indoor air quality program for Federal buildings, encourage incentives for Federal agencies, and authorize research and demonstration projects in each of the four climatic regions of the United States. The bill is modest in scope, authorizing \$50 million over 5 years to begin this most important effort in the Federal Government.

I know many of you share in my desire to advance our Nation's conservation agenda. Indeed, many have supported the efforts of our recently retired colleague from Vermont and have your own ideas. I look forward to working with my colleagues in the Senate and on the Environment and Public Works Committee as we move this proposal forward. Green Buildings will be a significant part of our country's energy and environmental future and this bill will help us in that effort.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 490. A bill to provide for the return of the Fresnel Lens to the lantern room atop Presque Isle Light Station Lighthouse, Michigan, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. STABENOW. Mr. President, I rise today to introduce the Lester Nichols Presque Isle Light Station Act of 2007.

The Presque Isle Light Station Act requires the return of the historic third order Fresnel lens to the lighthouse in Presque Isle, MI. The lens was removed four years ago for restoration work, but now it is time to replace it and preserve the historic integrity of the beautiful Presque Isle lighthouse.

Michigan has more lighthouses than any other State. Not only are these historic structures symbolic of our maritime heritage, they are the heart of Michigan's coastal communities. Lighthouses are a key part of the tourist economy of many small Michigan towns, and the historic character of our lighthouses brings tourists from all over the country. So it is imperative that we protect, restore, and preserve the Presque Isle lighthouse and all of Michigan's 120 lighthouses.

I am pleased to introduce this legislation with Senator LEVIN. In the House of Representatives, Congressman STUPAK is the sponsor of a companion bill. So the Michigan delegation is united in our resolve to restore the Fresnel lens to the Presque Isle lighthouse for the enjoyment and education of future generations.

Finally, I want to say a word about the man for whom we have named this bill: Lester Nichols. Without Les Nichols' dedication we would never have

been able to restore Presque Isle's Fresnel lens. Last fall, Les lost his courageous battle against cancer. He was a pillar of his community. He was passionate about the Presque Isle lighthouse and he will be truly missed. Naming this bill for him is the least we can do to show our gratitude for all of his work. And I hope that we will soon be able to put the Fresnel lens back in the lighthouse and give Les the victory that he so wanted to see.

I urge all of my colleagues to support this bill.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 69—RECOGNIZING THE AFRICAN-AMERICAN SPIRITUAL AS A NATIONAL TREASURE

Mr. MENENDEZ (for himself, Mr. REID, Mr. COBURN, Mr. OBAMA, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. FEINGOLD, Mrs. DOLE, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 69

Whereas since slavery was introduced into the European colonies in 1619, enslaved Africans remained in bondage until the United States ratified the 13th amendment to the Constitution in 1865;

Whereas during that period in the history of the United States, the first expression of a unique American music was created by enslaved African-Americans who—

(1) used their knowledge of the English language and the Christian religious faith, as it had been taught to them in the New World; and

(2) stealthily wove within the music their experience of coping with human servitude and their strong desire to be free;

Whereas as a method of survival, enslaved African-Americans who were forbidden to speak their native languages, play musical instruments they had used in Africa, or practice their traditional religious beliefs, relied on their strong African oral tradition of songs, stories, proverbs, and historical accounts to create an original genre of music, now known as spirituals;

Whereas Calvin Earl, a noted performer of, and educator on, African-American spirituals, remarked that the Christian lyrics became a metaphor for freedom from slavery, a secret way for slaves to "communicate with each other, teach their children, record their history, and heal their pain";

Whereas the New Jersey Historical Commission found that "some of those daring and artful runaway slaves who entered New Jersey by way of the Underground Railroad no doubt sang the words of old Negro spirituals like 'Steal Away' before embarking on their perilous journey north";

Whereas African-American spirituals spread all over the United States, and the songs we know of today may represent only a small portion of the total number of spirituals that once existed;

Whereas Frederick Douglass, a fugitive slave who would become one of the leading abolitionists in the United States, remarked that spirituals "told a tale of woe which was then altogether beyond my feeble comprehension; they were tones loud, long, and deep; they breathed the prayer and complaint of souls boiling over with the bitterest

anguish. Every tone was a testimony against slavery and a prayer to God for deliverance from chains.”; and

Whereas section 2(a)(1) of the American Folklife Preservation Act (20 U.S.C. 2101(a)(1)) states that “the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people”: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes that African-American spirituals are a poignant and powerful genre of music that have become one of the most significant segments of American music in existence;

(2) expresses the deepest gratitude, recognition, and honor to the former enslaved Africans in the United States for their gifts to the Nation, including their original music and oral history; and

(3) encourages the people of the United States to reflect on the important contribution of African-American spirituals to United States history and to recognize the African-American spiritual as a national treasure.

SENATE RESOLUTION 70—EX-PRESSING THE SENSE OF THE SENATE THAT THE COMMANDER OF MULTINATIONAL FORCES-IRAQ AND ALL UNITED STATES PERSONNEL UNDER HIS COMMAND SHOULD RECEIVE FROM CONGRESS THE FULL SUPPORT NECESSARY TO CARRY OUT THE UNITED STATES MISSION IN IRAQ

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. GRAHAM, Mr. CORNYN, Mrs. HUTCHISON, Mr. DOMENICI, Mr. THUNE, Mr. HATCH, and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 70

Whereas more than 137,000 members of the Armed Forces of the United States are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the Armed Forces of the United States, and deserve the support of all Americans;

Whereas past mistakes in United States strategy, aggression by various groups that reject peace, and other difficulties have contributed to a dire security situation in Iraq characterized by insurgent activity and sectarian violence;

Whereas a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself;

Whereas no amount of additional United States forces in Iraq can effect this outcome in Iraq unless the people and Government of Iraq take difficult political steps toward reconciliation;

Whereas the establishment of a basic level of security in Baghdad and throughout Iraq is an essential precondition for reconciliation and political and economic progress in Iraq;

Whereas these steps must include the fulfillment of military, political, and economic commitments that the Government of Iraq has made to the United States and to the people of Iraq;

Whereas Iraqi political leaders must show visible progress toward meeting specific benchmarks, including—

(1) deploying a significant number of new Iraqi security forces to partner with United States units in securing Baghdad;

(2) assuming responsibility for security in all provinces in Iraq in a timely manner;

(3) disarming individual militias as circumstances warrant and ensuring that security forces are accountable to the central government and loyal to the constitution of Iraq;

(4) ensuring equitable distribution of the resources of the Government of Iraq without regard to the sect or ethnicity of recipients;

(5) enacting and implementing legislation to ensure that the oil resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(6) building an effective, independent judiciary that will uphold the rule of law and ensure equal protection under the law for all citizens of Iraq;

(7) pursuing all those who engage in violence or threaten the security of the Iraqi population, regardless of sect or political affiliation;

(8) enacting and implementing legislation that reforms the de-Ba’athification process in Iraq;

(9) conducting provincial elections in Iraq;

(10) ensuring a fair process for amending the constitution of Iraq; and

(11) expending promised funds to provide basic services and employment opportunities for all Iraqis, including a \$10,000,000,000 fund for reconstruction, and ensuring that these funds reach both Sunni and Shia areas, including Sunni neighborhoods in Baghdad and largely Sunni Anbar Province;

Whereas the United States Ambassador to Iraq and the Commander of Multinational Forces-Iraq should report each month to the Senate on the progress being made by Iraqis toward achieving the benchmarks specified in the preceding clause and on their own progress in achieving their missions in Iraq;

Whereas leaders in the Administration of President George W. Bush and Congress have made it clear to the Iraqi leadership that the commitment of the United States in Iraq is not open-ended and that, if the Government of Iraq does not follow through on its promises, it will lose the support of its own people and the people of the United States;

Whereas the moderate countries of the Middle East, and other countries around the world, have an interest in a successful conclusion to the war in Iraq and should increase their constructive assistance toward the achievement of this end;

Whereas over the past year, leaders in the Administration of President George W. Bush and Congress, as well as recognized experts outside government, acknowledged that the situation in Iraq was deteriorating and required a change in strategy; and

Whereas Lieutenant General David Petraeus has been unanimously confirmed by the Senate as the new Coalition commander in Iraq and given the mission of implementing a new strategy for Iraq designed to bring security to Iraq and pave the way for political and economic progress in Iraq: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) Congress should ensure that General David Petraeus, the Commander of Multinational Forces-Iraq, and all United States personnel under his command, have the resources they consider necessary to carry out their mission on behalf of the United States in Iraq; and

(2) the Government of Iraq must make visible, concrete progress toward meeting the political, economic, and military bench-

marks enumerated in the preamble to this Resolution.

SENATE RESOLUTION 71—EX-PRESSING SUPPORT FOR THE TRANSITIONAL FEDERAL GOVERNMENT OF THE SOMALI REPUBLIC

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 71

Whereas, after the collapse of the Somali government in 1991, the main judicial system in Somalia devolved into a system of sharia-based Islamic courts, which have increased their power to include security and enforcement functions;

Whereas, in 2000, the courts consolidated to form the Islamic Courts Union (ICU), which came into conflict with secular warlords in the capitol city of Mogadishu by asserting its ever increasing power;

Whereas, the ICU is known to have links to Al-Qaeda and has provided a safe haven for members of Al-Qaeda;

Whereas, by June 2006, ICU forces controlled Mogadishu and much of southern Somalia, creating a potential haven for Islamic terrorists;

Whereas, in 2004, the Transitional Federal Government of the Somali Republic (TFG) was formed in Kenya;

Whereas, in 2006, the TFG army joined forces with the army of the Federal Democratic Republic of Ethiopia to sweep the ICU from power and, after a string of swift military victories, enter Mogadishu; and

Whereas, the current situation is still volatile, creating a short window of opportunity to positively affect Somalia’s stability and future status:

Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the Senate expresses its support for the Transitional Federal Government of the Somali Republic;

(2) the Senate recognizes Ethiopia, particularly Prime Minister Meles, and Kenya for the noble efforts aimed toward pursuing peace in Somalia and support for the United States in the War on Terror;

(3) the United States should support and push efforts for serious multi-party talks aimed at establishing a national unity government in Somalia;

(4) the United States should take several measures, at an appropriate time, to promote stability;

(5) assistance from the United States will better equip the TFG to face the challenges of restoring peace to this war-torn country;

(6) the United States should promote foreign investment in Somalia and facilitate financial and technical assistance to the TFG; and

(7) the United States should aid the TFG to—

(A) locate and free Somali-owned financial assets throughout the world;

(B) solicit support from other friendly countries; and

(C) encourage nongovernmental organizations to commit more resources and projects to Somalia.

Mr. INHOFE. Mr. President, recent events in Somalia have opened a unique window of opportunity. The Islamic Courts have been militarily defeated. However, the Ethiopian troops that are currently maintaining order have stated that they have no intention of remaining. There are reports of

troop withdrawals back to the Ethiopian border. Without outside support I fear that the Transitional Federal Government (TFG) and Somalia as a whole will be swept back into the cycle of violence and chaos that has defined the country for the past 15 years.

I believe that the United States can make great progress in securing the Horn of Africa by what actions we take right now. First and foremost is security. Until the government troops can offer sustainable stability, we need to assist them. This solution need not include U.S. troops; I am aware of negotiations for the deployment of 8,000 troops from other African countries, including a force of about 1,000 from Uganda. Any efforts in this direction should be greatly encouraged.

The United States has no formal representative to the Somali Republic. The Transitional Federal Government has requested creating such a position.

We need to offer assistance and aid at this most crucial juncture. At an appropriate time the U.S. should encourage public and private investment, possibly through a trade mission. Other areas where help is greatly needed include security training, basic sanitation, water purification, and tax collection.

Perhaps most importantly, we should assist in any steps that can be taken to establish a national unity government. This will require groups from all sides of the spectrum getting together and working out serious solutions.

The United States can make great progress in securing the Horn of Africa by what actions we take right now. I am submitting a resolution expressing the following: support for the Transitional Federal Government; recognize Ethiopia, particularly Prime Minister Meles, and Kenya for the noble efforts aimed toward pursuing peace in Somalia and support for the United States in the War on Terror; and the U.S. should support and push efforts for serious multi-party talks aimed at establishing a national unity government.

There are a number of measures that should be taken at an appropriate time by the United States to promote stability. With the assistance of the U.S., the TFG will be better equipped to face the challenges of restoring peace to this war-torn country.

While I understand that the situation is volatile and some forms of assistance may not be immediately appropriate, I believe it is necessary to raise awareness that there are definite ways that we can affect progress. Please join me in supporting Somalia and bringing peace to this war-torn region.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 231. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 470, to express the sense of Congress on Iraq; which was ordered to lie on the table.

SA 232. Mr. FEINGOLD submitted an amendment intended to be proposed by him

to the bill S. 470, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 231. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 470, to express the sense of Congress on Iraq; which was ordered to lie on the table; as follows:

On page 9, strike line 24.

On page 10, and 18, strike "intervention.", and insert the following: intervention; and

(13) no United States military forces should be deployed to Iraq after the date of the enactment of this Act unless the Secretary of Defense certifies to Congress before such deployment that such forces are adequately equipped and trained for the missions to be discharged by such forces in Iraq.

SA 232. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 470, to express the sense of Congress on Iraq; which was ordered to lie on the table; as follows:

Beginning on page 7, strike line 10 and all that follows through page 8, line 13, and insert the following:

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Senate disagrees with the President's plan to escalate United States military involvement in Iraq.

(2) Congress should establish an end-date for the deployment of United States military forces in Iraq;

(3) the Senate believes a failed state in Iraq would present a threat to regional and world peace, and the long-term security interests of the United States are best served by an Iraq that can sustain, govern, and defend itself, and serve as an ally in the war against extremists;

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Energy of the Committee on Energy and Natural Resources.

The hearing will be held on Monday, February 12, 2007, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The dual purpose of this hearing is to receive recommendations on policies and programs to improve the energy efficiency of buildings and to expand the role of electric and gas utilities in energy efficiency programs.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Deborah Estes at (202) 224-5360 or Britni Rillera at (202) 224-1219.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON THE JUDICIARY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Monday, February 5, 2007 at 3 p.m. to conduct a hearing on "Genocide and the Rule of Law" in Room 226 of the Dirksen Senate Office Building.

##### Witness List

The Honorable Sigal Mandelker, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

Lieutenant General The Honorable Romeo A. Dallaire, Senator, Parliament of Canada, Ottawa, Ontario.

Don Cheadle, Actor and Activist, Los Angeles, CA.

Diane F. Orentlicher, Professor, Washington College of Law, American University, Washington, DC.

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

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the 110th Congress: the Senator from Connecticut, Mr. DODD; the Senator from Wisconsin, Mr. FEINGOLD; the Senator from New York, Mrs. CLINTON; the Senator from Massachusetts, Mr. KERRY; and the Senator from Maryland, Mr. CARDIN.

The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the Senator from Maryland, Mr. CARDIN, as Co-Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during 110th Congress.

#### REFERRAL OF S. 153 TO THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 153 and the bill be referred to the Committee on Homeland Security and Governmental Affairs.

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

#### ORDER FOR READING OF WASHINGTON'S FAREWELL ADDRESS

Mr. SANDERS. Mr. President, I ask unanimous consent that notwithstanding the resolution of the Senate of January 24, 1901, the traditional reading of Washington's Farewell Address take place on Monday, February 26, 2007, at 2 p.m.

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

ORDERS FOR TUESDAY,  
FEBRUARY 6, 2007

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, February 6; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be expired, and the time for the two leaders be reserved for their

use later in the day; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the majority and the time allocated 10 minutes each: LEAHY, MIKULSKI, and KENNEDY; that the Republicans control the next 30 minutes, with the time until 12:30 p.m. equally divided and controlled between the majority and the minority; that the Senate recess from 12:30 to 3:30 p.m., Tuesday in order to accommodate the respective conference work periods and to permit

Members to attend an intelligence briefing which begins at 2:30 p.m.

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

ADJOURNMENT UNTIL TOMORROW

Mr. SANDERS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Tuesday, February 6, 2007, at 10 a.m.