Mrs. MURRAY. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Oklahoma (Mr. INHOFE).

Further, if present and voting, the Senator from Oklahoma (Mr. INHOFE) would have voted ''yea.''

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—93

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Graham	Pryor
Bingaman	Grassley	Reed
Bond	Hagel	Reid
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Inouye	Salazar
Burr	Isakson	Sanders
Byrd	Kennedy	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shelby
Carper	Kohl	Smith
Casey	Kyl	Snowe
Chambliss	Landrieu	Specter
Clinton	Lautenberg	Stabenow
Coburn	Leahy	Stevens
Cochran	Levin	Sununu
Coleman	Lieberman	Tester
Collins	Lincoln	Thomas
Conrad	Lott	Thune
Corker	Lugar	Vitter
Cornyn	Martinez	Voinovich
Craig	McCain	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Dole	Menendez	Wyden

NOT VOTING—7

Boxer	Gregg	Johnson
Dodd	Hutchison	
Ensign	Inhofe	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider and lay on the table is agreed to, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I announce to all Democratic Senators: We are having a caucus in Room S–219. The subject matter of this caucus is interesting.

I have a unanimous consent request that I am going to propound.

Mr. President, I ask you and the other Members to be patient. I am having a little script prepared for me to read.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUESTS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, February 26, the Senate proceed to the consideration of H. Con. Res. 63, the House Iraq resolution; that there be 12 hours of debate; that the debate be divided equally between the two leaders; that no amendments or motions be in order; and that the Senate vote on passage of the concurrent resolution at the conclusion of that time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, of course, I will object. This is right back where we were a week ago. As the distinguished majority leader and the distinguished majority whip have said on numerous occasions in the last couple of years, the Senate is not the House. Senate Republicans are going to insist on fair treatment on the most important issue on the minds of the American people today; that is, the war in Iraq. The Senate simply cannot—and I have heard Senator BYRD make these points on numerous occasions—cannot operate this way. The Senate Republicans insist on one or more amendments on the most important issue confronting our country—the war in Iraq.

What I had hoped was that the distinguished majority leader and myself would be able to work out a consent agreement that would allow us to have—he would pick his amendment, and it is apparent the amendment the majority would like to have is the House-passed concurrent resolution, and then there would be an alternative, at least one alternative. Many of my Members would like to have more than one alternative in this extremely important debate, but at least one alternative on this side of the choosing of the majority of Republicans. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader is recognized.

Mr. REID. Mr. President, I have told the distinguished Republican leader that when we get to the matter dealing with implementing the 9/11 recommendations, that will be a vehicle which will be open to debate and amendment.

The unanimous consent request I propounded would complete work on the Iraq surge issue within a matter of hours, as I indicated, so that we could move within a day, 1 day, to 9/11 and amendments—Warner, Gregg, McCain, whatever amendments the minority wanted to offer; they would certainly be permitted to do that.

We find ourselves in a very unusual position, Mr. President. We tried to proceed to this matter before. Everyone has heard the arguments used to stop us from going forward on this issue. Cloture was not invoked. We need not go over all the reasons, some of which have been outlined by the distinguished Republican leader just a few minutes ago. But there have been those on the other side of the aisle who think we should be in next week. Mr. President, speaking for this Senator, I am happy to be in next week. If you want to be in next week, we can do that. I have things in Nevada I have wanted to do for a while because I have been here for 5 weeks, but that is OK, I can take care of that, as everyone else can, if necessary. But we find ourselves in the same position, that there is a hesitation on behalf of the minority to go forward on now a very simple matter—a very simple matter.

The Warner-Levin amendment was a little more complicated than the simple House measure which says we support the troops and we are against the surge. That is what we think should be disposed of quickly. We can move to 9/11, all the debates on other things people want to do with Iraq and other issues. Certainly, they can do that. We can spend considerable time on that. As long as progress is being made, there is no reason to file cloture. There are other things we need to do the following week during the work period.

We are anxious to go forward on this issue. We have, again, been stopped from doing that. All the plaintive cries about not being able to debate Iraq—there were opportunities to debate Iraq, and they were turned down. I was disappointed, as I said earlier today, that the people crying the loudest are the people against going forward on Iraq.

It is my understanding, Mr. President, that the order is Senator LEAHY has 1 hour right now.

The PRESIDING OFFICER. The Senator from Pennsylvania is to be recognized first for 10 minutes and then Senator LEAHY.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, we are not here today, I assume, to debate the substance of the Iraq matter, but it is important to remember that both the majority leader and the majority whip in December were saying a surge might be a good idea, and now they are saying the only resolution we should have before the Senate is one condemning a surge. Let me repeat, that is not the way the Senate works.

So I would like to propose a unanimous consent request, Mr. President.

I ask unanimous consent that on Tuesday, February 27, at a time determined by the majority leader, after