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Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

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

Let us pray.

Almighty God, whose loving hand has sustained our Nation, help us to find our refuge in a personal commitment to Your plan for our lives. Give us the wisdom to trust You to guide our steps and to lead us to a desired destination.

Bless our lawmakers. Let the contagion of Your presence bind them together. Speak to them above the noise and prattle of impulsive rhetoric so that they will know and do Your will. Lift them above the valley and the mists of struggle to the mountain of trust and confidence in Your power. Give them the courage to seek first Your rule and righteousness.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 please 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 7, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN,

a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN 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 begin morning business in just a few minutes, with the time until 2 p.m. equally divided and controlled between the two leaders or their designees. The first 30 minutes this morning will be controlled by the minority, and then the majority will control, of course, the next 30 minutes. We are going to do the best we can to alternate back and forth.

Yesterday, we had a nice debate. When a Democrat wasn't here, a Republican moved in and vice versa. It worked out well with the time.

I announced last night that I intended to have the Senate proceed this afternoon to executive session to consider a number of Executive Calendar nominations. I had spoken to the Republican leader prior to making that announcement and told him I wanted to consider GEN George Casey and ADM William Fallon to be voted on today or tomorrow. I expect there will be debate with respect to the Casey nomination. We have had word that on the minority side there are a number of statements they wish to have made, and I am confident there will be some over here, also. We will make a decision at a later time whether we should have time agreements or just move forward with these.

Let me just say a few words about what is going on in the Senate and has

been going on over the last few days. As we all know, the President, in giving a speech, said he wanted to move a significant number more of American troops to Iraq. As a result of that, there have been efforts made to have the Senate vote on whether that is appropriate. We have been unable to arrive at that point, which is somewhat surprising because the people who helped write the amendment voted against proceeding to debate on that amendment. People whose names are associated with that amendment decided not to proceed to vote on that amendment.

I think it speaks volumes that there has been almost nothing said by the minority about supporting the surge. There have been no speeches over here supporting the surge. In fact, late yesterday there was a proposal to not even have a vote on supporting the surge.

That is where we are. The House is going to take up this matter next week. They will send this over to us, and in due time we will try to get to this matter. But it is pretty clear that one reason for the slowdown here is to allow the President to move troops over there. The more troops moved over there prior to this vote, the more difficult it is to say don't send the troops—when he has already sent them. But there are other ways to approach this issue in Iraq.

Just a matter of hours ago, a Sea Knight helicopter was shot down over Baghdad, the fifth helicopter shot down in the last 2 weeks. We don't know how many Americans are dead in this latest incident. We do not know because the military has not announced it. We do know these Sea Knight helicopters—they are called CH-46s—are used by the Marines primarily as a cargo and troop transport, and they carry as many as 25 combat-loaded troops.

We also know that the administration submitted its budget, requesting another \$245 billion in the war in Iraq and other matters relating to the military, bringing the total to well over

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



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\$500 billion. In fact, we learned yesterday that the United States had shipped money to Mr. Bremer, Ambassador Bremer, to disburse money to Iraqi ministries. How much money? It was 363 tons of money in hundred-dollar bills—363 tons. There is some dispute as to how many hundred-dollar bills it takes to make 363 tons, and they really don't know exactly how much money that is, but it is around \$12 billion, most of which is not accounted for. I guess \$12 billion, when you compare it to \$500 billion, is not very much, but I think the American people understand that 363 tons of cash, hundred-dollar bills, is a lot of money.

We also know from reading the morning paper that the Associated Press reports:

More Americans have been killed in combat in Iraq over the last 4 months than in any comparable stretch since the war began.

To say the war isn't going well is an understatement. To say there is a civil war going on in Iraq is an understatement. I really think it is unfortunate that we have been unable to vote on whether the surge should take place. Senators have not been allowed to cast their vote on this issue, and because of that, we are going to move on to the continuing resolution this afternoon—late this evening, I should say, after we finish these two important Executive Calendar matters.

RECOGNITION OF THE REPUBLICAN LEADER

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

INSIST ON A FAIR PROCESS

Mr. McCONNELL. Listening to my good friend, the majority leader, should remind us all that the debate we had anticipated having this week—and I might say Members on our side were certainly prepared to have the debate—would not have had any impact on the surge. These were nonbinding resolutions. I would not argue that they were not significant, because Senators would have been put on record. But we were certainly prepared for the debate. What we were not prepared to do is to have a process that denied our side other options in addition to the Levin proposal.

As we were frequently reminded last year by Democratic Senators, the Senate is different from the House. In the Senate, a minority of at least 41 can insist on a process that is fair.

Senate Republicans were united, including members of our conference who support the Levin proposal, in insisting on a fair process. We started out with five different options, gradually pared them down to two—the McCain-Lieberman-Graham proposal and the Gregg proposal relating to supporting the troops. My good friend, the majority leader, objected to allowing us to have

two proposals. He only wanted us to have one proposal. So we narrowed it down to one and picked the Gregg "support the troops" proposal as our one, and the majority leader objected to that unanimous consent request as well, leading us to believe that not only did he want us to limit ourselves to one, he wanted to pick which one. Of course, in the Senate, that is just not possible. This is a deliberative body. It insists on having votes on a wide variety of proposals. Certainly, when we were in the majority last year, we had to vote on a lot of things we might not have liked to have voted on in order to advance a particular proposal. That is the way the Senate works.

At whatever point the majority would like to begin the debate again on Iraq, we will certainly be happy to have it. I particularly wish to thank Senator GREGG for his very important contribution to this debate. That is a vote we will have at some point, on some measure, when we return to the subject of Iraq.

With regard to the continuing resolution, let me just say to the majority leader, he has suggested that I survey our members and see what amendments we might like to offer, since he has indicated amendments may or may not be allowed on that proposal. I would say to him we are paring that down and hope to be able to get him—we have about seven; we are going to try to pare that down to three, submit those amendments to the majority leader, and hope they might be allowed when we do move to the continuing resolution.

Mr. REID. Mr. President, I say to my friend, we would also see what amendments, if any, we want to offer on this side—maybe three and three or whatever we can come up with that appears to move the ball along.

Mr. McCONNELL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip is recognized.

RESOLUTIONS PROCEDURE

Mr. LOTT. Mr. President, I was pleased to hear just a moment ago the suggestion that maybe we go to the Omnibus appropriations bill in such a way that would allow some amendments to be offered on both sides. That is good. That is the way it ought to be. That is why I have been surprised and, frankly, disappointed that we have not been able to come to some sort of agreement about how to proceed to these resolutions dealing with the President's plan to take action in Iraq and have a full debate on the substance.

Of the plan and the resolutions, I don't think there is any excuse for the fact that we have come to the point where we are throwing up our hands and saying: I can't have it my way, you can't have it your way, therefore, we will have it no way.

If this were the Super Bowl, whether you were Grossman or Manning, you

would call a time out and say, wait a minute here, there has got to be a way we can get a plan to go forward. I know how difficult it is to do this because our leaders on both sides of the aisle get pressured from all sides. They are pulled. Don't agree to that, you have to agree to that.

In the end, the leaders have to decide how we go forward in a fair and an open way, and the rest of us have to support that decision. The majority has strong power in the House of Representatives, and a good bit in the Senate. But I think the most difficult job in the city is the job of being majority leader, the job that Senator REID has right now because he doesn't have a Rules Committee. He is not the President. He can't give an order and have the bureaucracy move, not that the bureaucracy ever moves. He has to work with the minority. He has to find a way to move things forward.

Some people say: Oh, that is the process. Look, the process is substance because if you can't figure out how to get it done, you never get to the substance. This is not an autocracy. No one person possesses unlimited power. You have got to give to get a little. You can't have a deal where you say: No, no, you can't offer but one amendment; and, by the way, it has to be this.

If we were going to do anything, we should have gone with more, not less. So I don't get it. If this is the big, important, serious issue we all say it is, surely we could have worked out a way to proceed. Well, I guess the one thing we could say is, we will get back to this. We are going to get back to it in many different ways. But at least in the future, when we get to the debate, it is going to be a serious debate about something that is real.

We were talking about taking up resolutions that had no binding effect. It was a feel-good deal. Yeah, we are going to take a pop at the President. Yeah, we support the troops, but no, we don't support the troops.

Oh, yes, thank you very much, General Petraeus, 81 to nothing, you are confirmed. Go over to Iraq. Oh, and by the way, we don't agree with what you are going to try to do. We don't support the plan. How did we get into that?

At least at some point, men and women of strong principle and beliefs are going to offer up amendments that are going to say: Support the troops, stick with the plan or pull out. High tail it out. Get out of there now. And then we will have a real debate and we will have real votes. That is what, under our Constitution, we should be doing, actually.

I think the proposal that Senator GREGG had, made eminent good sense. Let's show we support the troops. Gee whiz, why is that a bad idea? The American people don't want to send our troops into harm's way around the world or even in Baghdad without knowing we are behind them.

So what is the problem? The problem is that it was able to get 80, I don't