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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: