

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, 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