

Senate lose its role under the Constitution to be the second House of the Congress. This is not a rubberstamp for the House. That is what we will be if we follow the intention of the majority leader now.

Mr. LOTT. What is the order, Mr. President?

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. TESTER). Under the previous order, the Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will conduct a period of morning business.

The Senator from Vermont is recognized for 60 minutes.

Mr. LEAHY. Mr. President, I am going to speak on Iraq, but first—I see the distinguished Senator from Mississippi and the distinguished Senator from Pennsylvania on the floor—I will introduce a bill on behalf of myself, Senator SPECTER, Senator LOTT, and Senator REID, regarding the insurance industry.

(The remarks of Mr. LEAHY, Mr. LOTT and Mr. SPECTER pertaining to the introduction of S. 618 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

IRAQ

Mr. LEAHY. Mr. President, earlier today there was a lot of discussion here about whether and how we should have a debate on the Iraq war. I cannot think of any issue more important to the Senate.

I have said many times that the 100 men and women who serve here are privileged to do so. Someday, someone from our State will replace us. That is the genius of the Founders of this country. However, there are only 100 Members. There are 300 million Americans. The 300 million Americans expect the 100 Senators to speak for them. They do not have that opportunity themselves.

I consider it a great privilege to be here. I used to sit up in the gallery when I was a law student and watch the Senate, and I thought then as I do today that the Senate should be and often is the conscience of the Nation.

I heard the debates during the time of the Vietnam war. I became the only Vermonter to actually vote on whether to continue that war. Today, we have a different war but many people in this country are as concerned. Those for the war in Iraq, those against the war in Iraq.

I go to my State of Vermont and everywhere I go, whether I am in buying groceries and people come talk to me or I am at the gas station or if I am shoveling snow—and yesterday we had 2½ feet of snow at my home in Vermont—people stop and want to talk

about the war in Iraq. My guess is it is no different in any other State.

These are very patriotic, very honest, very concerned people, and they have legitimate questions. They always ask: Why isn't the Senate debating the war in Iraq?

A week ago, Senator REID, the distinguished majority leader, tried every which way to provide the Senate with an opportunity to debate a bipartisan resolution on Iraq. That effort failed, and it failed again earlier today. It was blocked by some in the Republican Party who insisted on a separate vote that was nothing more than a political ploy. Instead of a debate on the President's policy, they wanted the debate to be about who supports the troops. We all support the troops, but we have some very different views about the President's policy that put brave American men and women in harm's way.

As so often is the case when anyone asked a question, expressed reservations or outright opposed the President's policy in Iraq, the President's defenders accuse his detractors of not being patriotic or of not supporting the troops. What blatant balderdash that is.

For years I have fought for veterans' benefits, for fair treatment for the National Guard, for armor for our troops who were sent by this administration into battle unprepared—and still, 5 years later don't have the armor their vehicles need to withstand the roadside bomb blasts. I have fought to replace the depleted stocks of equipment that our troops need and depend upon so their families do not have to send to them what the Government should be providing. The absurd accusation that it is unpatriotic to disagree with a policy that has resulted in the deaths of thousands of American soldiers and created a terrorists' haven in a country that, before our invasion, posed no threat to the United States, has worn thin.

It reminds me of my days as a prosecutor, when a defendant was caught red-handed. What would they do? They would usually attack the accuser. They could not say "You caught me breaking and entering." Rather, their defense was "I was set up." Or "He made me do it." That is what has been going on since President Bush, Vice President CHENEY, and former Secretary of Defense Rumsfeld ignored all advice to the contrary and led us into this costly fiasco.

These are the people who, when they had a chance to get Osama bin Laden—and we all want to see Osama bin Laden brought to justice for the attacks on September 11—when they had him cornered in Afghanistan, they decided instead to invade Iraq. Iraq did not pose a threat. Iraq did not have weapons of mass destruction. The intelligence was as equivocal as it was distorted and manipulated. But the President was fixated on Iraq, and he has remained so ever since.

Remember how the Vice President confidently said we would be welcomed as liberators? Some welcome. Remember the President, dressed up in a flight suit on an aircraft carrier so he could make a rousing speech under the sign "Mission Accomplished." Thousands of Americans have been killed or injured in Iraq in the years since that phony photo op.

The flawed policies of this administration have thrust our troops into the maw of a bloody civil war. Our troops are not responsible for the mistaken policies they have been asked to implement. Policymakers in Washington are responsible for that and only we can change those policies.

My youngest son was a member of the Marine Corps. He was called up during the first Gulf War. He saluted and was ready to do his duty, as are all the loyal men and women in our armed services. That was a different war. Thank God it was over so quickly. Neither he nor many others called up were in harm's way.

But the policymakers made this policy and only they can change it, not the troops on the ground. The polls show, unmistakably, that a majority of the American people want the Congress to debate and vote on the Iraq war. They know it is the key issue of the day. They see it is a widening civil war. They want their sons and daughters to come home pursuant to as sensible a plan as we can muster.

It is that simple. We ought to be debating that. If there are Senators who feel the troops should be there longer, that more of them should be sent there, then come to the Senate and say so. But also, there are those who feel we have to do all we can to bring our men and women home. We should have the opportunity to debate and vote on it.

The costs of this misadventure have not just been onerous, they have been catastrophic. More than 3,000 Americans killed, more than 20,000 wounded. My wife and I have visited some of the wounded. These are devastating wounds, crippling wounds, blinding wounds, wounds that disable people for the rest of their lives. And tens of thousands of innocent Iraqis have lost their lives.

In material terms, we are fast approaching the \$1 trillion mark. We are throwing money out the door at a rate of more than \$2 billion per week to fund this war. We are told about the things we cannot afford in America because we have to fund the war in Iraq. We are cutting funds for law enforcement, for police on our streets so we can pay for police in Iraq. We can't upgrade our hospitals. And on and on.

And the international reputation of America, which has brought us great influence, has now been tarnished, especially among our allies, tarnished and diminished.

Where are we in Iraq? We are in the midst of a civil war among religious and ethnic factions, an insurgency that

shows no signs of diminishing and out-of-control organized crime. It is hard to say we have made any real progress toward the larger objective of bringing democracy to Iraq and the Middle East.

It is time we face this grim reality. Our soldiers' lives are in the balance. America's reputation is in the balance. America's ability to set an example for the rest of the world is in the balance.

I made a brief statement on Tuesday about a column in last Sunday's Washington Post by retired LTG William Odom. I know General Odom. I worked with him on some of the most significant intelligence matters in this country. He has one of the most distinguished military intelligence careers. He continues to provide powerful insights on national security. In his piece entitled "Victory Is Not An Option," he outlines how this administration's entire policy in Iraq, including the so-called surge strategy, is based on a self-defeating inability to face reality.

The reality, according to the general, is that we are not going to make Iraq a democracy. The longer we stay, the more likely Iraq will be anti-American at the end of our intervention. Think of that, after \$1 trillion.

Our invasion made civil war and increased Iranian influence inevitable. No amount of military force will prevent those outcomes. Meanwhile, our presence is only stoking al-Qaida's involvement in Iraq.

The reality is that supporting our troops does not mean keeping them there to carry out a failed strategy. It means pursuing a course that protects the country's interests and prevents more Americans from dying in pursuit of an ill-defined, open-ended strategy that cannot succeed.

General Odom knows we need to begin an orderly withdrawal from Iraq. He argues we should join with other countries in the region, those whose input this administration has often ignored, and seek to stabilize the region through sustained, high-level diplomacy. These views are in line with those of some of our senior military officers, national security experts and many in Congress, and I might say a majority of the American people. The people we are here to represent.

Look at what the administration and defenders of the Republican Party offer instead: We get filibusters when it is time to debate the President's Iraq policy, we get the same old rhetoric about not supporting the troops, and we get a bill from the President for another \$100 billion to send 20,000 more troops and continue the war. If the President cannot face the reality that even some Members of his own party increasingly have come to accept, then it is our responsibility—I would also say our patriotic duty and our moral duty—to act.

A nonbinding resolution that sends a clear message in opposition to an escalation of troops is far better than the years of silence of a rubberstamp Congress. But we know the President will

ignore it. He has already said so. We know it is only a first step.

I will support binding legislation by Senators OBAMA and FEINGOLD to begin a phased redeployment of our troops out of Iraq. It is not our role to choose sides in this civil war, and it is a prescription for disaster. It is not our troops' role to die trying to force these warring factions to settle their age-old differences.

We need to continue to fight the Taliban and al-Qaida in Afghanistan. We need to deploy sufficient forces and intelligence assets to track down international terrorists around the world. We need to do a lot better job of policing our borders, without denying entry to innocent people who are fleeing persecution.

General Odom is right, keeping our troops in Iraq is not making us safer. We should be bringing our troops home. We should be bringing them home with the thanks of a nation for doing their duty. Congress has the power to force the President to change course. That is what the American people want. That is what we should be debating.

UNANIMOUS-CONSENT REQUEST— S. 214

Mr. LEAHY. Mr. President, I am about to propound a unanimous consent request. I saw the distinguished Senator from Arizona on the floor a moment ago, and I told him I would notify him because I know he is going to object. I also see the distinguished Senator from Idaho, who will. But, Mr. President, what I am going to do is the following: I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 24, S. 214, a bill to preserve the independence of U.S. attorneys, that the committee-reported amendment be agreed to, the bill, as amended, be read three times, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SCHUMER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. And I will not object, but I wish to say a word before we proceed further. I just want to urge my colleagues to accept this unanimous consent request by Senator LEAHY to move forward legislation on restoring the longtime procedure for appointing interim U.S. attorneys.

I ask unanimous consent that after objection is heard, if it is heard, Senator LEAHY be permitted to yield 5 minutes to me and then he immediately regain the floor.

The PRESIDING OFFICER. There is one unanimous consent request pending at this time, and that needs to be resolved before we move forward.

Mr. LEAHY. Mr. President, parliamentary inquiry: How much time is remaining of the hour the Senator from Vermont has?

The PRESIDING OFFICER. Twenty-eight minutes.

Mr. LEAHY. Mr. President, I know people are about to object. I can assure the Senator from New York—so he will not have to repeat his request—that he is going to be getting time after the objection is made. I am going to make a statement, a very short statement, but I will yield at the appropriate time.

Mr. SCHUMER. Mr. President, I thank my colleague.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

The Senator from Idaho.

Mr. CRAPO. Mr. President, it is my understanding the Senator from Arizona does desire to object to this unanimous consent proposal and could not be here on the floor, so on his behalf, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, last week, the Judiciary Committee reached a bipartisan consensus to reverse recent changes to the law governing appointments of interim U.S. attorneys. These changes were made, with little transparency, during final negotiations of the reauthorization of the USA Patriot Act. Through my staff, I had objected at the time, but to no avail. These changes invited and abetted an apparent abuse of power by this administration that threatens to undermine the effectiveness and professionalism of U.S. attorneys offices around the country.

I continue to support Senator FEINSTEIN's efforts to combat these abuses. I thank Senator SCHUMER for chairing our hearing into this matter last week and Senator SPECTER for his active involvement, which helped lead to a bipartisan solution. I urge the Senate to follow the committee's lead and approve the Specter, Feinstein, Leahy substitute to S. 214, the Preserving United States Attorney Independence Act of 2007.

During the Patriot Act reauthorization last year, checks on the authority of the Attorney General to appoint interim U.S. attorneys to fill a vacancy temporarily were removed. The change to the law removed the 120-day limit for such appointments and removed the district court's role in making any subsequent interim appointments. This change in law, accomplished over my objection, allowed the Attorney General for the first time to make so-called interim appointments that could last indefinitely.

Regrettably, we do not have to imagine the effects of this unfettered authority. We learned recently that the Department of Justice has asked several outstanding U.S. attorneys from around the country to resign their positions. Some are engaged in difficult and complex public corruption cases. Yesterday, one of the U.S. attorneys who has been told to resign, Carol Lam of the Southern District of California,