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Senate

The Senate met at 12 noon and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

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

Let us pray.

Eternal spirit, who taught us it is more blessed to give than receive, as we prepare to celebrate President's Day, thank You for the great gift of leadership. Make this wonderful ability to mobilize people toward shared objectives become the strength of our legislative branch.

May our Senators find the correct balance that leads to true influence. Give them the wisdom to prefer listening to speaking and learning to teaching, as they seek to make bipartisan progress. Remind them that in leadership what they do speaks more profoundly than what they say.

As they strive to represent You and country, empower them to make pleasing You and faithfully serving others their top priorities. Infuse them with the serenity to accept the things they cannot change, the courage to change the things they can, and the wisdom to know the difference. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 16, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, today the time until 12:30 will be divided equally between me and the Republican leader. Then at 12:30 the Senate will proceed to a period of morning business with Senators allowed to speak for up to—well, they will be in 30-minute blocks of time. We will alternate back and forth between the respective sides, the majority controlling the first 30 minutes beginning at 12:30.

Yesterday a cloture motion was filed to proceed. That cloture vote will occur tomorrow at 1:45. There will be no rollcall votes during today's session of the Senate.

I would say, for the information of Senators who are watching this, that I am not going to use my 15 minutes, so if a Democrat wants to come and speak, they can have my 15 minutes.

MEASURE PLACED ON THE CALENDAR—S. 641

Mr. REID. Mr. President, I understand that S. 641 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The assistant legislative clerk read as follows:

A bill (S. 641) to express the sense of Congress that no funds should be cut off or reduced for American troops in the field which would result in undermining their safety or their ability to complete their assigned missions.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:30 shall be equally divided and controlled by the two leaders.

Mr. DURBIN. Mr. President, if I understand the order of business, it is that Members may speak until 12:30, with equally divided time for the remaining 25 minutes; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. Thank you very much.

IRAQ

Mr. DURBIN. Mr. President, as we gather in the Senate for this session today, there will be no recorded votes, but an important vote is scheduled to take place across the Rotunda. We know what that vote is about. It is about a war that is now in its fourth year, a war that has lasted longer than World War II.

We were told recently that advisers to the President told him that at this stage of the war, there would be as few as 5,000 American troops in Iraq maintaining the limited interests that will remain for the United States. The reality is so much different. Over 130,000 Americans troops are still there for the fourth year of this war. We are activating Guard units, Reserve units, and redeploying those in active military

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



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with a frequency we have not seen since the great wars we faced in our past. We are asking sacrifices from these men and women in uniform and their families far beyond what was anticipated when the President 4 years ago convinced a majority of the House and Senate to vote to go to war.

The cost of this war, in human terms, is devastating: 3,132 of America's best and bravest soldiers have died. Over 23,000 have returned seriously injured. Many will come back and need help in reconstructing their lives, their families, their homes, their businesses. They have paid a sacrifice, all of them, and we owe them all a great debt of gratitude for their service to our country.

The President has decided the next stage of the war is to increase the number of American troops who will be cast into the midst of this civil war. It has been characterized as a civil war now by our national intelligence agencies. In fact, they say it is far worse than civil war. The report they have given to Congress, the National Intelligence Estimate called the situation:

Worse than a civil war because it is compounded by a domestic insurgency, foreign terrorism, and rampant crime.

Through hearings before the Senate Judiciary Committee, we have learned that the fundamentals of a civil society do not exist in Iraq today. The basics—police protection, enforcement of the law, prosecution of criminals, incarceration of those who have been found guilty—all of these things are at issue in this country. Yet the President believes we should invest more and more American lives in that war. I believe that is a tragic error. That is my opinion. It is being debated in the House of Representatives, and they will reach a conclusion this afternoon, likely the same conclusion I have, that this is a wrong strategy.

It has been an interesting and historic debate in the House. Members have been allowed the time to stand and speak their minds and speak from the heart about this grave challenge we face in America. What we are asking for on the floor of the Senate is the same opportunity as the House of Representatives. We believe that this, characterized as America's greatest deliberative body, should not avoid the responsibility of debate. We believe this policy of the President, which is being discussed and debated across America in towns large and small, should be discussed and debated on the floor of the Senate.

The press made note this morning that the Senate is going to meet in a rare Saturday session. Well, we may be coming together on Saturday to do our job, but people across America are coming together on Saturdays to do their jobs, and our soldiers are going to war on Saturday to do their job. We will have a chance tomorrow, early in the afternoon, to decide whether the Senate will take up this same debate; whether the American people will have

a chance, through their elected Senators, to speak on this issue, this life and death issue.

I am hoping we will have a better result than we did 2 weeks ago. We brought this matter up before the Senate. We asked to have a debate. In fact, we said: We will take—on the Democratic majority side, we will allow two Republican amendments to be offered, one from Senator WARNER of Virginia, which questions the President's policies; the other from Senator MCCAIN of Arizona, who believes that the escalation is a good policy—a sharp contrast, a real choice, an honest, straightforward debate leading to a yes or no—and that was rejected because, you see, the other side does not want us to come down to that basic, fundamental question. They want us to go into a debate about so many other issues, albeit important issues but not directly related to this policy.

Yesterday, the majority leader in the Senate, HARRY REID of the State of Nevada, offered again to the Republican side the basic choice, a straightforward choice. We will bring to the floor the resolution that is presently being debated in the House of Representatives which objects to the escalation of forces, and we will allow Senator MCCAIN, who has an opposite view, who wants to send more troops into Iraq, we will allow those two to be considered and Members to make a choice. I don't think you could ask for anything fairer. But unfortunately, the minority, the Republican minority insisted they wanted to add two or three more amendments into the mix.

Well, clearly, that takes the focus off the most important issue; that is, should we send more American soldiers into this wretched civil war in Iraq today. I think we need to face that responsibility and face that vote. Now, some will step back and say: Wait. If the Democrats are in the majority, why don't they debate this issue?

Well, the rules of the Senate are interesting. They are designed to protect a minority. They give the minority in America and the minority in the Senate a voice which it may not have in other places. So under the rules of the Senate, it takes 60 Members to vote to move forward to debate an issue—60. We have 50, with Senator JOHNSON recuperating; they have 49. So in order to move to a debate, we need 10 Senators to cross this aisle and join us, cooperate with us, on a bipartisan basis, so we can move forward on this debate. Tomorrow will be the test.

Now, I have heard some Senators on the other side say: We are not even going to show up tomorrow. We are not going to be here. I hope that is idle chatter and doesn't reflect their intentions.

I believe the vote tomorrow is critically important. We are summoning Democratic Senators from all across the United States, literally. Some are making personal sacrifices, having flown home, believing we had ended the

session, and flying back, many of them all-night flights, to be here. They understand the importance and gravity of this vote. I certainly hope the Members on the other side feel the same way. This is an important vote. It is not just another procedural vote. America will notice who is here tomorrow and who votes, and America will notice, after this historic debate in the House of Representatives, whether we meet our important constitutional responsibility.

A lot of people argue they have given up on Government. Government doesn't mean much to them anymore, and they don't have a great high regard for the people who are in Government. Some of these folks have stopped voting. They don't get involved. They go about their normal lives and say: Those politicians, you know, they talk a lot and they don't do much.

Well, this is a time when I think we can dispel some of this feeling across America that we are irrelevant and not part of things. If we can't take the time to spend on the floor of the Senate, as people are across America, debating this war, then we have lost our way. We have to bring this matter before the American people in the right way. We are fighting for a democracy in the Middle East. We are fighting for a democracy in Iraq. Democracy is the open debate of public issues. Will we have that same debate on the Senate floor? That question is in the hands of the Republican minority. They will decide tomorrow whether we move forward on this debate.

Now, there is one group in this town who does not want this debate to move forward; let's be very honest about it: the President and the White House. It is an embarrassment to have your policy rejected and repudiated by bipartisan votes in the House and Senate, and it is rare. It hardly ever happens. So to spare the embarrassment to the White House—the political embarrassment—some are trying to stop this debate in the Senate. But I have to say I think this issue goes far beyond which politician ends up with bragging rights. That has nothing to do with it. This has to do with the lives and fortunes of our servicemen and their families and this great Nation and our foreign policy.

At a time when we need to gather allies around the world to fight this war on terrorism, when we need to bring nations together to join us as they did after September 11 to stop the spread of terrorism, we need to understand this debate on Iraq is right on point. It is a debate which affects hundreds of thousands of soldiers and their families, and it affects all of us as Americans.

I sincerely hope the Republican minority will have a change of heart, will join us in supporting this debate tomorrow. I believe we will find tomorrow, with this vote, that a bipartisan majority of the Senate wants to move forward with a debate. If it doesn't

reach the number of 60, then technically this debate cannot move forward. I use the word "technically" because in honesty, that will not be the end if we do not muster 60 votes. This matter is going to come before the Senate again and again and again.

For 4 years in this war, Congress, controlled by the other party, has been virtually silent on the issue of this war and the wisdom of our policy. Those days are over. In the last few weeks we have been in session, we have had over 30 hearings by committees that have asked the hard questions about this policy, about protecting our troops, and about where we are going to go forward in the future. Those questions will continue to be asked by committees. They will continue to be addressed in the Senate. When we move to the next item of legislation, we will undoubtedly have amendments relative to this war in Iraq. This debate will not end.

I sincerely hope those on the other side of the aisle will join us. I hope they understand what is at stake. It is not just 21,000 more soldiers putting their lives on the line for America; it is a question of our foreign policy and protecting this Nation and making sure we keep our commitment to our country to keep it safe.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12:30 p.m. having arrived, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 30 minutes each and the time to be alternated between the two sides, with the majority controlling the first 30 minutes.

The Senator from Massachusetts.

HONORING OUR ARMED FORCES

Mr. KENNEDY. Mr. President, the war in Iraq is the most important issue of our time. The American people know that our soldiers are serving nobly under extraordinarily difficult circumstances and that far too many of them are making the ultimate sacrifice for our country. Citizens are calling on us—begging us—to address this issue with the seriousness and the urgency it deserves.

The House of Representatives will vote later today on a major resolution

supporting our troops and opposing the escalation of the war. It will be a historic vote and a clear response to the American people's clarion call for change. The Senate will have a chance to do so soon as well. The voices of the American people are growing louder and louder, and the need for us to act could not be clearer.

Under the President's current policy, the war continues to impose an enormous human toll on our soldiers, their families, and their loved ones. Our men and women in uniform have served with great courage and honor for nearly 4 years—longer than it took to win World War II. More than 3,000 of our forces have been killed and more than 23,000 wounded. The casualties keep mounting. Last fall was the deadliest period since the war began. Mr. President, 287 American soldiers were killed in October, November, and December. Already, 118 have been killed since the President announced the surge, and the numbers keep rising.

The toll in Massachusetts has been heavy. Just last week, CPT Jennifer Harris of Swampscott, MA, was killed when her helicopter went down north of Baghdad. She was the first woman from our State to make the ultimate sacrifice in Iraq, and our hearts and prayers go out to her family and loved ones.

So far, 65 Massachusetts members of our forces have given the last full measure of devotion to our country. The youngest was 19, the oldest was 46. They died far from their homes in Bedford and Bristol, Lawrence and Lowell, Plymouth and Pittsfield, Weymouth and Woburn, and other towns and cities across the State. They were fathers, sons, a daughter, brothers, and friends. Each of them represents a life cut short in service to our country.

More than 3,000 families across America share in such heartbreak. Their loved ones have died in Iraq, and we mourn their loss. We honor their service, and we pray that God's grace and mercy may ease the anguish of those they have left behind.

Citizens of Massachusetts have answered their country's call from the first days of the Republic, and those we honor today are members of that noble company. Each knew they were going into harm's way. They faced dangers in Iraq that vast numbers of our troops had never seen before, such as suicide bombers and improvised explosive devices.

We mourn the loss of these heroes. We honor their sacrifice and extend our deepest condolences to their families. Words cannot ease the grief of losing a loved one, but I hope the families may find comfort in the words of Abraham Lincoln in the famous letter he sent to a bereaved mother during the Civil War. He wrote:

Dear Madam, I feel how weak and fruitless must be any words of mine which should at-

tempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save. I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and the lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

The consequences of the decisions we make here in Congress profoundly affect our military, their families, and the communities they have left. We have an obligation to our soldiers to make sensible decisions that will not place them needlessly in harm's way.

We in Massachusetts feel especially deeply the loss of the 65 soldiers who have died in Iraq: SGT Justin W. Garvey; PFC John D. Hart; SPC Christopher J. Holland; SGT Pierre A. Raymond; CPL Brian Oliveira; LCpl Travis Reid Desiato; LCpl Dimitrios Gavriel; SGT Andrew Farrar; 1LT Brian McPhillips; SSG Joseph P. Belavia; LCpl John J. Vangyzen IV; SGT Kurt D. Schamberg; CPT John W. Maloney; SPC Ray M. Fuhrmann II; 1SG Alan N. Griford; PVT Michael E. Bouthot; SPC Daniel R. Gionet; SGT Gregory A. Belanger; PFC Kerry D. Scott; SGT Daniel J. Londono; CPL David Marques Vincente; LCpl Jeffrey Charles Burgess; LCpl Alexander Scott Arrendodo; 1LT Travis John Fuller; CPT Benjamin Sammis; CWO2 Stephen M. Wells; SPC Matthew Boule; CWO Kyran E. Kennedy; CPT Christopher J. Sullivan; LCpl Shayne Cabino; LTC Leon G. James, II; CPT Joel E. Cahill; LCpl Michael Ford; CPL Scott Procopio; LCpl Patrick Gallagher; CPL Donald E. Fisher II; SPC Gabriel T. Palacios; SGT Benjamin E. Mejia; SGT Glenn R. Allison; GySgt Elia Paietta Fontecchio; LCpl Andrew Zabierek; LCpl Nickolas David Schiavoni; SPC Daniel F. Cunningham; LCpl Gregory E. MacDonald; SPC Peter G. Enos; PFC Norman Darling; PVT Cory R. Depew; SSG Joseph Camara; SGT Charles Caldwell; PFC Markus J. Johnson; SPC David J. Babineau; CPL Paul N. King; LCpl Geoffrey R. Cayer; SGT Mark R. Vecchione; SSG Clint J. Storey; SPC Edgardo Zayas; LCpl Eric P. Valdepenas; SPC Jared J. Raymond; LCpl Edward Garvin; LT Joshua Booth; SPC Matthew J. Stanley; SGT Gregory Wright; SFC Keith Callahan; SGT Alexander H. Fuller; and CPT Jennifer Harris.

Mr. President, I ask unanimous consent that the chart I have printed in the RECORD. It is a chart of their hometowns and where they died in Iraq.

There being no objection, the material was ordered to be printed in the RECORD, as follows: