pleased that Lieutenant General Lute has acknowledged that the U.S. military alone cannot stabilize Iraq and that enhanced efforts by other agencies of the Federal Government are needed.

However, I am skeptical that this new position will have a significant impact given that the President still refuses to admit that there is no military solution to the situation in Iraq. Until the President recognizes the need to redeploy our troops from Iraq and seek international assistance in promoting a political resolution, I am afraid that Lieutenant General Lute's efforts will simply contribute to more of the same failed policy. I will continue working to redeploy our troops from Iraq so that we can devote greater resources to our top national security priority—going after the terrorists who attacked us on 9/11 and their allies.

Mrs. BOXER. Mr. President, I am voting present on the nomination of Douglas E. Lute to be Special Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan.

Although I respect General Lute's distinguished 30-plus year career in the U.S. Army, I view this position as rearranging the bureaucracy at the White House. The creation of a ''war czar'' will not hide the President's failed policies and is another way for him to duck responsibility for the war in Iraq.

Mr. BYRD. Mr. President, on May 15, 2007, President Bush nominated LTG Douglas Lute as Assistant to the President and Deputy National Security Adviser for Iraq and Afghanistan. In that position, Lieutenant General Lute is to be charged with coordinating the efforts of the executive branch to support our commanders and senior diplomats on the ground in Iraq and Afghanistan.

I am voting against the nomination of LTG Douglas Lute, not because he is unqualified for the position but because the White House refuses to permit him to testify before those Members of Congress responsible for the oversight and funding of these conflicts. Article 2, section II of the Constitution makes it clear that the power to appoint certain officers involves the advice and consent of the Senate. I can imagine no circumstance where the President may require policy advice and guidance from an Active Duty military officer regarding ongoing conflicts and issues relevant to Congress's oversight responsibilities to which Congress should not be equally capable of hearing in either public or closed forums as appropriate. To do otherwise may raise popular suspicion that all is not on the ''up and up'' with the way the President is conducting this war.

I am also concerned that putting a general in this position will leave the military open to inferences by the administration that it is the military, rather than George W. Bush, who is responsible for the failed policies in Iraq. After 5 years of conflict in Afghanistan and Iraq, the President, his Cabinet, and his existing staff should have long ago figured out how to coordinate executive branch support to our commanders and senior diplomats in the field, without needing to put a military officer in charge of coordinating the civilian arms of government.

Repeatedly, the President has appointed a new military officer to a leadership position and Congress has allowed the nomination to proceed without objection. The White House then turns the cooperation of Congress into yet another sound bite to prolong the prosecution of the President's failed policy. How many times have we heard that General Petraeus was confirmed unanimously and that we ''just need to give him time''? The President has had 4½ years to show progress. Instead, the situation continues to worsen in Iraq.

I, for one, will not vote to give the President another military officer to blame or another unanimous vote to exploit to delay bringing home our troops. I will not accept the President's claim that a military officer advising the President on two ongoing conflicts should not be required to testify before Congress on the progress of this long and disastrous war.

I will, therefore, vote against the confirmation of Lieutenant General Lute to this position.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is no time remaining to Senator WARNER.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, apparently I have a minute and a half remaining. I will be happy to yield to the Senator from Alabama, if he would like the time.

Mr. SESSIONS. Mr. President, if we are waiting for the vote, I was going to quote a few items from General Lute's statement, but otherwise I don't need to do that.

Mr. LEVIN. The vote will begin at 4. Under the order, there is another speaker scheduled at 3 o'clock.

The PRESIDING OFFICER. At 3 o'clock the Senate will return to morning business.

Mr. SESSIONS. Mr. President, if Senator LEVIN is comfortable with this, I ask for 3 minutes. If someone comes to the Chamber at 3 and needs to take the floor, I will yield.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Alabama be yielded 3 minutes, and then morning business start at 3:03 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, we had a hearing with General Lute. Senator LEVIN presided in his able way, as always. He gave us a short written statement of some of his principles. I thought the American people might appreciate how he approaches this issue.

He spoke to people. He said this about this position:

To a person, those with whom I have spoken conveyed two clear messages: first, a message of concern for the well-being and safety of our men and women in harm's way; and second, that we would all like to see us pursue a course of action that makes our country safer while safeguarding our national interests in the region. Surely, this is our common ground.

He went on to say:

But the stakes for the United States are also high. This region—where America has vital national interests—will not succeed if Iraq and Afghanistan do not succeed, and the U.S. plays a vital role in this cause.

He went on to say this:

No one is satisfied with the status quo: not the Iraqis, not key regional partners, not the U.S. Government, and not the American public. To change this, we are in the midst of executing a shift in course as announced by the President in January. Early results are mixed. Conditions on the ground are deeply complex and are likely to continue to evolve—meaning that we must constantly adapt. Often, measures that fix one problem in as complex an environment as this reveal challenges elsewhere.

That is certainly true. General Lute continued:

But one factor remains constant—the dedication and sacrifice of our men and women, military and civilian, serving in these combat zones. They are a continuing source of inspiration to me and to my family.

The position for which I have been nominated is designed for one fundamental purpose: to advise the President on how to provide our troops and civilians in the field with increased focused, full-time, real time, support here in Washington.

He goes on to say:

The aim is to bring additional energy, discipline, and sense of urgency to the process. Our troops deserve this support.

I think that is a good statement, a sense of urgency for all our agencies and departments of Government, not just the military. He concludes this way:

Mr. Chairman, I am a soldier; and our country is at war. It is my privilege to serve. This position represents a major personal challenge and I am humbled by the responsibility it entails. If confirmed, I will give the President my straightforward, candid, professional advice.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period of morning business, with Senators permitted to speak up to 10 minutes each.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that following the vote on the Lute nomination, there be 10 minutes equally divided between Senators LEAHY and SPECTER, or their designees, for debate on judicial nominations; that at the conclusion or yielding back of that time, the Senate vote on confirmation of Executive Calendar Nos. 85, 105, and 106, in that order; that the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action and the Senate return to legislative session.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. REID. Madam President, Senator WARNER asked earlier today what would happen with the next judge, which is a Virginia judge. It would be my intent—I have to talk to Senator LEAHY, and I have a meeting with him this afternoon—that we do that on Monday, the day we get back. We will do the Virginia judge and the remaining district judges. So there will be four votes on the Monday we get back on the district court judges.

Mr. LEVIN. Madam President, if the leader will yield for a question, those three additional judges you made reference to are the three Michigan district court judges?

Mr. REID. That is right. That is what we had left on the calendar.

UNANIMOUS-CONSENT REQUEST—H.R. 2316

Mr. REID. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 182, H.R. 2316, Lobbying Disclosure; that all after the enacting clause be stricken, and the text of S. 1, as passed by the Senate on January 18, 2007, be inserted in lieu thereof; that the bill be read a third time, passed, the motion to reconsider be laid on the table; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 4 to 3, with the above occurring without intervening action or debate.

I would say to my distinguished colleague—my counterpart, Senator MCCONNELL—that it is my intent not to appoint the conferees until we get back.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Reserving right to object, and I will not object, I was not on the floor Tuesday when the majority leader first brought this issue to the Senate floor. I was down at the White House. I am pleased he is ready to go to conference on lobby reform, the first bill introduced in this Congress, S. 1, and passed with a vote of 96 to 2 almost 6 months ago, on January 18.

I am also encouraged the Democratic House finally decided to pass a bill after many months of stalling and excuses. However, before we agree to this unanimous consent request, I would like to engage my colleague in a brief colloquy to ensure minority rights are not trampled, as they were in the supplemental.

As the Senate will recall, the majority drafted that bill and included matters not related to troop funding and not part of either bill. This was designed, obviously, to get around 41 Republican Senators here in the Senate. Obviously, putting those items in a troop funding bill made it very difficult to oppose the bill and we know how that story ended.

In that vein, I ask my good friend, the majority leader, to commit that, consistent with the provisions of S. 1—to commit not to drop extraneous provisions into this conference report not dealt with by either body. I think it is important that this very significant issue, on which we have had extraordinary bipartisan cooperation, continue to deal with the subject matter related to this bill.

Mr. REID. Madam President, I don't wish to relegislate the supplemental. I think it was one of the best things that has happened to the country in a long time. We were able to get some things in that bill, such as minimum wage, for the first time in 10 years; disaster relief for farmers, first time in 3 years; the first time we got money over and above what the President wanted for homeland security; we were able to get $6.5 billion for Katrina.

Having said that, the distinguished Republican leader has my assurance this bill will deal with the subject matter that came out of the Senate and out of the House. It will deal with ethics and lobbying reform.

I further say to my friend, and he and I have had long discussions on this bill and I am sure we will continue to have some, this will be a real conference, as we have had for many years—not recently, but this will be a conference where there will be public debate on what we should do and what we should not do.

We will schedule that the week we get back, schedule the conference as soon as we can when we appoint conferees. There has been a request we not appoint them today. I accept that. We will do it when we get back. The minority need not worry. This legislation, when it comes back, will be perfect for the President to sign if, in fact, that is necessary. In some instances, it is not necessary. But it will deal with ethics and lobbying and nothing else.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, I have one phone call to my cloakroom I have to deal with. I respectfully request that we have a very short quorum call, so I can consult with one of my Members. If the majority leader will not object, I would like to have a very brief quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader is recognized.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding there is a unanimous consent pending.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request?

Mr. DEMINT. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, earlier this year, the Senate took a major step in being more transparent with the earmarking process. We worked together. We passed within the lobbying/ethics reform bill transparency and rules that would keep us from adding secret earmarks when we go to conference. I have asked repeatedly on the Senate floor that we accept that as a rule. I had asked the majority leader to amend his unanimous consent request to go to conference to include Senate acceptance of the rules we have already passed. That way we would have the comprehensive work we have all planned to have. I understand from the majority leader they are not willing to accept that, and they want to go to conference where it is our belief it will be significantly changed.

In light of our inability to come up with agreement that would include earmark disclosure, I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Again, we have delay, delay, delay, on an issue of vital importance. What we are asking is to go to conference. We have already acknowledged there will be nothing that will come out of conference other than what is in this bill. For us to do the conference out here on the Senate floor is a little unusual proceeding. All the conference committees I have been involved in have been ones where the conferees decide what should happen, and then they bring that matter back to the respective bodies. Then there is a vote on it.

If my friend from South Carolina doesn't like what comes back, he has every avenue within the rules at his disposal. No one is trying to take advantage of him. I appreciate the work he has done on earmarks. A number of other people have worked on earmarks. It has been a progressive step forward. But it would not say much about my leadership if we negotiated it out here