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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

### PRAYER

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

Let us pray.

Eternal Lord God, thank You for Your mercies. You bless us with Your presence and inspire us with new opportunities. You strengthen us with the gift of friends and protect us from the pitfalls of temptation. You have given us clean hearts and renewed right spirits within us.

Today, bless the Members of this body as they seek to live with gratitude. Use them to open new doors of possibility for the discouraged and to bolster the courage of those sorely tested by life. Make them a force that will unify and not divide, that will heal and not hurt. Give them a sense of partnership with You in seeking Your best for all of life's seasons.

We pray in Your powerful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN 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 legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 11, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CARDIN 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 for 1 hour. The majority will control the first half, the Republicans the second half. At 10:30 this morning, the Senate will resume the Department of Defense authorization bill. There will be 1 hour of debate on the motion to invoke cloture on the Webb amendment. That debate time will be divided and controlled between Chairman LEVIN and Senator MCCAIN. The minority leader will have 10 minutes under his control at 11:10. I will control the final 10 minutes starting at 11:20. The vote on cloture will occur at 11:30 this morning. As a reminder to Members, they have until 10:30 this morning to file any second-degree amendments regarding the Webb amendment.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### RECOGNITION OF THE MINORITY LEADER

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

### 60-VOTE THRESHOLD

Mr. MCCONNELL. Mr. President, let me add to the comments of my good friend, the majority leader. I think we would have a better chance of moving this bill along if we could do what we have done on every other Iraq debate we have had this year, which is to simply enter into an agreement for a series of votes. If we end up in the position of filing cloture on every amendment, it is going to be quite a lengthy process and considerably inconvenient to both sides.

I hope after the vote this morning, we will get back to the way we have dealt with these issues in the past, which is through concurrence and agreement. A series of votes, obviously, with a 60-vote threshold—this is the Senate; that is the way we have done it all year—would be fair to both sides and give both sides an opportunity to express themselves on the most important issue of our national defense.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Democratic leader.

### WEBB AMENDMENT 2012

Mr. REID. Mr. President, I say through the Chair to my good friend, the distinguished Republican leader, a 60-vote threshold on everything is something that is new as a result of a minority that is forcing us to have cloture on virtually everything we do. If we go back and look at the Defense bill last year, there were no cloture votes except on final passage of the bill. All amendments were simple majorities, and a significant number of them dealt with Iraq. The 60-vote requirement is something that is new and has been brought about by this new minority. It is something we didn't do last year. We shouldn't do it this year.

The Webb amendment is a simple amendment. It says that if you are in country—let's say a soldier is in Iraq for 15 months. He has to come home

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



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and rest for 15 months, train for 15 months. The way it is happening now, they are being rotated very quickly. This isn't the first time this has happened.

The Senate has constitutional authority to act. Take for example the Korean war. We were rushing people over to Korea with inadequate training. Congress stepped in and passed a law saying they needed 120 days of training before they could go to Korea. The Webb amendment is in keeping with what the American people want; that is, to change course in Iraq. This helps do that by dictating that our Guard and Reserve and our Active military have time to come home and retrain and relax before being sent into battle. Statistics show that the second and third and fourth tours of duty are literally deadly. People are getting killed more regularly on the second and third and fourth tours of duty than they are on the first tour for obvious reasons.

The obvious reason, first, is fighting is becoming more fierce, and it is more dangerous in Iraq, but also the soldiers are tired. I called a family in Las Vegas whose son was killed. He went back for his fourth tour of duty and he told everyone there: I won't come back. He didn't. He was killed. That is what this amendment is all about. A simple majority of the Senate should be able to respond to that.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I am sure the majority leader and I will debate the substance of this later this morning. The Webb amendment is a clear interference with the President's authority to deploy troops, the authority of the Secretary of Defense, and the authority of the generals. Suffice it to say, getting 60 votes for a measure is not unusual in the Senate. It certainly has been the case with regard to controversial issues like Iraq all year long. That will continue to be the case on this bill throughout its consideration.

Mr. DURBIN. Will the Republican leader yield for a question?

Mr. MCCONNELL. Mr. President, I won't, only because I have a meeting in my office. But I look forward to engaging the majority whip later in the morning.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 10:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the first half of the time under the control of the majority and the second half of the time under the control of the minority.

The Senator from Illinois.

#### RESTING THE TROOPS

Mr. DURBIN. Mr. President, I am sorry the Republican leader would not yield for a question. My question would have been, the 60-vote requirement for this amendment so that our troops have time to rest before they are redeployed into combat, this 60-vote requirement which the Republican leader says is routine and normal, I was going to ask the Republican leader, in the two previous Defense authorization bills brought to the floor of the Senate, how many times did we impose a 60-vote requirement on amendments to that bill? The answer is none, never. It was always a majority vote. Now the Republican side has said: We insist on 60 votes for every amendment to the Defense authorization bill. Those following this debate, watching it either in the galleries or on C-SPAN, may wonder what is the big deal. Why? What is the difference?

The difference is obvious. We are about to consider a debate on the war in Iraq. This Senate is evenly divided. With Senator JOHNSON recuperating, it is a 50/49 Senate with 50 Democrats and 49 Republicans on the issue of Iraq. One of the Democratic Senators votes on the other side. So on any given issue, it is 49 to 50, closely divided. Now the ranks on the Republican side are breaking and changing. We now have Republican Senators who are stepping out and publicly saying they disagree with the President. At least five of them have publicly said we need to change the direction of our policy in Iraq. Do the math. If we start with 49 and pick up 5 Republicans, we have 54. That is a majority. We could start carrying amendments to change the policy of the war in Iraq. The Republican leader knows that. So how does he protect the President's position? How does he stop the will of the Senate? By imposing a new standard of 60 votes. Now it takes 60 votes, not just a majority. For the last 2 years, a majority was good enough when it came to every amendment on the Defense authorization bill, including amendments about the war policy in Iraq. But not this time. This time, Senator MCCONNELL has come up with a new McConnell standard when it comes to the Iraq war policy, that it takes 60 votes in the Senate.

The Republican leader can come up with procedural obstacles also. He can make it more difficult. He can continue to slow down the debate on ethics reform. He can slow down the debate when it comes to the war in Iraq. But there are a lot of Senators on this floor on both sides who are going to stick to this task. We are not going to give up that easily. We understand what is at stake. We have lost over 3,600 of our best and bravest American soldiers. For us to prolong this debate, to set up these artificial obstacles in order to perpetuate a policy which is taking the lives of our men and women in uniform, is unacceptable.

The Senator from Kentucky, of course, has his rights under Senate

rules. I respect that. But to impose this new standard of 60 votes and then to say on the floor that this is routine and normal is not a fact. That is why I wanted to ask him that question. In the last 2 years, a majority vote was what was used on the Senate floor over and over again when it came to these important issues. We should return to that same majority standard.

I would say to the Senator from Kentucky who tried to defend the President's position, he should go back to his State, as all of us have, and speak to the families of the soldiers, understand what they are going through. Of course, every family of a soldier overseas is lost in prayer and worry every single day about their loved one in battle. But this administration, this President sends these soldiers over again and over again without rest, without retraining, without the equipment they need in battle. That is unacceptable. That is not a standard we should allow when it comes to our defense of America.

Senator JIM WEBB, who has offered this amendment, is a ground-combat veteran of Vietnam, as is Senator HAGEL, another cosponsor of this amendment. They and Senator INOUE, a veteran of World War II, know what it is like to put on that uniform and risk your life in battle. What they are asking for is time for these soldiers to come home and have a chance to be with their families, to rebuild their lives, to rest, try to put their lives back together, reassociate themselves with their families, retrain, and be ready if they are called again. What I hear from the Senator from Kentucky is: That is unacceptable. This is the President's call. He can keep sending these men and women over again and again, even though it is more dangerous every time they are sent into battle without appropriate rest and training.

When it comes to the vote, the Senator from Kentucky tells us a majority of the Senate is not enough; we need 60 votes to give our soldiers an opportunity to get the rest and retraining they deserve. That is unfortunate. It is part of the obstructionism we are now seeing every single day from the Republican side of the aisle. That isn't why we were sent to Washington. If five or six Republican Senators want to join the Democrats in trying to change the policy in Iraq, they should be given that chance. Using these procedural obstacles is unfortunate for this country and certainly unfortunate for the soldiers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to be recognized for up to 12 minutes.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1766