



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153

WASHINGTON, TUESDAY, JULY 17, 2007

No. 114

Senate

The Senate met at 10 a.m. 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.

Almighty God, our Creator, Preserver, Redeemer, and Judge, deliver the Members of this body from the pressures of daily duties, the tension of our times, and the confusion of many voices filled with certainty. Help our Senators to pause and reflect, enabling them to hear again Your "still, small voice" summoning them to profound thoughts and high endeavors. May they discipline themselves to follow truth wherever it leads, to stand for justice, even though they might stand alone; to champion the right, even when it appears unpopular. Give them courage to engage in an introspection that will strip their soul to its bare essence, leaving them only with the desire to do Your will.

With respect for other faiths, I pray in Jesus's 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, July 17, 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 THE MAJORITY WHIP

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

SCHEDULE

Mr. DURBIN. Mr. President, this morning after morning business, we will resume consideration of the Defense authorization bill. This is an annual bill that comes before us relating to the Department of Defense and the conduct of America's national defense. It is an important bill made more important this year because the focus of debate at this moment is on the war in Iraq.

We understand this is an issue that is on the minds of most Americans. We also understand that this is a body, the Senate, where we represent the people of this country. I believe the debate should be an open debate, one that gives opportunity for both points of view to be expressed. I also believe that at the end of the debate on the central issue of the war in Iraq, we should take a majority vote and decide what the Senate stands for when it comes to our policy.

Those who stand for the President's position can oppose the Levin-Reed amendment, which is pending and is going to be considered soon. It is an amendment which establishes a timetable for American troops to start coming home. It is a timetable for ending

this war responsibly, ending our combat role by the spring of next year. It is the only amendment pending which is specific and will change the policy and direction in Iraq.

Unfortunately, the procedural issues ahead of us are very complicated. The Senate Republican leader, Mr. McCONNELL of Kentucky, has insisted that instead of a majority vote on the war in Iraq, it will be necessary to have 60 votes. I think that is unfortunate.

Last year, during the course of debating the Defense authorization bill, there were two major amendments related to the war in Iraq. Both of those amendments were considered and held to a majority vote standard. Earlier this year, on the supplemental appropriations bill for the war in Iraq, another question came up about change in policy—again, a majority vote. But things have changed. Since that time, at least three Republican Senators have stepped forward and said they disagree with the President's policy and will vote to change the direction of this war. Because of that, it is clear we have a majority supporting this change in direction.

Now the Republican leader insists on 60 votes, insists on filibustering the amendment that is before the Senate. He is trying to stop the debate on whether we will change direction in Iraq. As a result, we are going to have an unusual session of this Senate which will commence shortly and run around the clock until tomorrow morning, when we will face a cloture vote. A cloture vote is an opportunity for Senators to step forward and say whether they truly want a change in the policy of this war. The Republican minority has insisted on this 60-vote threshold, knowing it is more difficult to reach, but we haven't given up. We believe that with the three Republican Senators who have already expressed their dissatisfaction with the President's policy, others may join. We know that Republican Senators back in their

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



Printed on recycled paper.

S9293

home States have said publicly and repeatedly they want to vote to change policy. They will have that chance on the Levin-Reed amendment, which will be brought up for a cloture vote tomorrow morning.

This session, which we will now commence, is not likely to end during the next 24 hours. During that period of time, it is an opportunity and an invitation for Members of the Senate to come to the floor and express their feelings about this war in Iraq. For those who support the President's position and want to continue along this present course, they have their chance. For those on both sides of the aisle who believe we ought to bring this war to an end, they also have their opportunity.

It is unfortunate the Republican minority has insisted on this procedural obstacle, has insisted on filibustering this amendment, and is trying to stop us from getting to the heart of the issue about changing this policy in Iraq. But the American people know this, and they know that those who are doing their best to protect the President, protect him politically, protect his position, are going to be well known across this country at the end of this debate.

I hope those who agree with us on the Democratic side and the three Republicans who join us will come together with us and dramatically change this policy, change this war in Iraq, and bring it to an end responsibly.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

DEBATE TIME ON IRAQ WAR POLICY

Mr. MCCONNELL. Mr. President, listening to my good friend from Illinois, the majority whip, discussing the 60-vote threshold reminds me of what the majority leader said back on January 30, 2007:

Sixty votes are required for just about everything. I have talked with Senator MCCONNELL about this. You know we have to come up with a number of resolutions that require 60 votes because, as you know in the Senate, a lot of times 60 votes are required for just about everything.

Now, that is life in the Senate. On the Defense authorization bill, we had two amendments last year, the Kennedy and Enzi amendments, and both required 60 votes. We are happy to have this debate tonight. It is my understanding the other side last evening agreed to accept the Cornyn amendment to the Defense authorization bill. As we indicated, we have a request for a rollcall vote on that amendment. However, we will be happy to schedule that vote at a reasonable time today. I am told—and we heard again—that we

plan to be here this evening leading up to the cloture vote on the Levin amendment, and we would be happy to have that vote today. There is no particular reason to have the Levin-Reed vote tomorrow; we could have it today.

But look, it is perfectly fine with us to stay here today and this evening to discuss this very important issue. I couldn't agree with my friend from Illinois more that it is the significant issue in the country at this particular juncture. We will be prepared to work with the majority whip and the majority leader to work out a floor schedule that allows us to rotate back and forth on a regular basis throughout the afternoon and the evening, and we look forward to working that out in a way that is fair to both sides and gives us ample opportunity for a vigorous debate about this extremely important issue.

I yield the floor.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, pursuant to the statement made by the Republican leader, I ask unanimous consent that the Cornyn amendment be scheduled for a vote at 2:15 and that it be a majority vote and that Senator MCCONNELL can withdraw his amendment, which is currently pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, Senator CORNYN is in a hearing this morning, so we would want to provide a little bit of time for him this afternoon, but I think we should be able to work this out shortly. We would pursue a discussion with the floor staff and see if we can't lock this in. There is no particular reason why we couldn't work this out. For the moment, I object. Maybe the vote could occur at 2:45. Would that be acceptable?

Mr. DURBIN. Mr. President, I amend my unanimous consent request to 2:45, with the time equally divided between 2:15 and 2:45, and that the Cornyn amendment will then be called for a vote, with the standard of the majority as to whether it passes or fails.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. And no second-degree amendments, I might add, and the McConnell amendment withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Reserving the right to object, could we state the consent request again?

Mr. DURBIN. I can try. It is that the debate will commence at 2:15 on the Cornyn amendment, with the time equally divided for 30 minutes; at 2:45 the Cornyn amendment will be called for consideration—for a vote—with no second-degree amendments; that the vote standard for passage of the Cornyn amendment will be a majority vote; and that Senator MCCONNELL will withdraw his pending amendment. I

think that is the sum and substance of it. The McConnell cloture motion would be withdrawn.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

ALL-NIGHT SESSION

Mr. DURBIN. Mr. President, I would like to say in response to the Republican minority leader, he found two amendments where we required a 60-vote margin on the last Defense authorization bill. Those two amendments did not relate to the Defense authorization bill. They were minimum-wage amendments. They required budget points of order. The Senator from Kentucky has been unable to find an Iraq amendment raised in the Defense authorization bill nor in the supplemental appropriations bill which required this extraordinary majority.

Now the Republican leader has agreed to a majority vote on the Cornyn amendment, something we offered yesterday. Now we are asking that during the course of this debate, I hope he will reconsider his position on the Levin-Reed amendment. This too should be a majority vote, an up-or-down vote. What is so frightening on the Republican side of the aisle to face a majority vote?

We know an overwhelming majority of the American people want to change this policy in Iraq. Yet the Republicans have insisted that when it comes to the key amendment—the Levin-Reed amendment, which will actually bring our troops home and end this war responsibly—in that situation, they want an exceptional majority, 60 votes, to be considered. Well, we are going to debate that and we are going to debate it long and hard between now and 24 hours from now. The Senate will be in a rare all-night session. Some of the critics of this all-night session have said that it is an effort to get some publicity. Well, if they are arguing that it is an effort to get the attention of the American people, they are right because the American people want us to debate this honestly and openly.

I happen to believe as well that the Senate spending a sleepless night is no great sacrifice. Soldiers and the families who pray for them spend many sleepless nights. It is time for the Senate to do the same. It is time for us to come to the floor and express what is in our hearts about this war—a war that has claimed over 3,611 American lives; a war which has cost us 30,000 injuries, 10,000 of them severe injuries, including amputations, traumatic brain injuries, and severe burns; a war that has cost this Nation over \$500 billion and costs us more than \$12 billion a month. Is it worth one night of lost sleep to discuss and debate that? You bet it is. That is why we are here. That is what the Senate is all about.

I hope the Republican minority leader, Mr. MCCONNELL of Kentucky, having agreed to a majority vote on the