

I do not want the debate on Iraq to go forward. This is a little difficult to do with the situation where, as I said before, everybody in America wants this debate to go forward. So let's hear somebody on the other side stand up, akin to a Senator who believes in something, and say: I don't want this debate to go forward.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, let me say that there are many Members on my side who would argue we should not be having this debate this week at all. I hope none of those watching this on C-SPAN or any people in the gallery are confused. A 60-vote threshold is routine in the Senate. It is the ordinary, not the extraordinary. There was really only one exception to that, and that was the consideration of judicial nominees. My good friends on the other side of the aisle spent an enormous amount of time in the last couple of years trying to establish a 60-vote threshold for that as well.

There is nothing the minority is asking for that is in any way extraordinary, nothing extraordinary about it at all. It is really quite ordinary. We are prepared to have a debate on Iraq this week. We look forward to having a debate on Iraq this week. What should happen is the distinguished majority leader and myself should agree, by consent, to a reasonable number of resolutions. As I have indicated, some of the Republican Senators have given up their opportunity to offer proposals in deference to my request that we narrow down the number of resolutions to a reasonable number for consideration this week.

I hope that one of two things would happen: Either we vitiate the vote this afternoon because it is completely unnecessary or we will defeat cloture and the majority leader and I, hopefully, will be able to sit down and reach agreement for a fair consideration of alternate proposals that could have been reached last Friday and I had hoped would have been reached last Friday.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, keep in mind what I offered the minority: up-or-down votes on Warner and McCain; up-or-down vote on Judd Gregg. I also offered a 60-vote on Warner and a 60-vote on McCain. That was also turned down.

This thing about 60 votes is exaggerated. I have been in the Senate 25 years. I have been involved in two filibusters, and that is two more than most anyone in the Senate has been involved in. Filibusters are just talk. Rarely are filibusters ever necessary or do they occur.

Therefore, this "everything is 60 votes" is simply not valid.

They want a fair process? Up-or-down vote on McCain, up-or-down vote on Warner, up-or-down vote on Judd Gregg. Okay, don't want that? I tell

you what, this has been stated publicly and privately long before today: We will give you a 60-vote on Warner, we will give you a 60-vote on McCain. Nope. Turned down.

Where does this fairness come in? Is fairness in the eye of the beholder? They have to get everything they want? I cannot imagine how we could be more fair. The American public would see a debate on Warner, see a debate on McCain. One is for the surge, one is against the surge. Why not have that debate? There will be lots of other times to debate other issues dealing with Iraq. We have the September 11 recommendation coming up; we have the supplemental coming up. Iraq is not going to leave the Senate. But it will leave this Senate if we are not allowed to proceed in this manner because—again I say that is because of bad housekeeping and the Republicans just simply leaving town after they lost the majority—we have to pass a continuing resolution. We have to. We have no alternative. We have to start on that by Wednesday.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, first, with regard to the 60-vote threshold, the majority leader and I both praised the bipartisan cooperation we had in the Senate on both the ethics bill and the minimum wage bill, both of which had a 60-vote requirement. That demonstrates how extraordinary 60-vote requirements are. These were two bills which were widely praised by both the majority leader and myself as examples of bipartisan cooperation.

I heard the majority leader say up-or-down votes on McCain and on Warner. If he would throw in the Gregg amendment for an up-or-down vote—I am sorry, what was his offer?

Mr. REID. My offer has always been an up-or-down vote on McCain, on Warner, on Judd Gregg, and the Democratic alternative which basically says we are against the surge. It has always been the same. And the 60-vote would be on McCain and on Warner.

I would also say I appreciate my friend talking about the ethics in lobbying reform and the debate we had on minimum wage. However, I don't want to start a battle that is already over. But one reason we were able to get those two bills passed—we thought stopping debate on these was not the right thing to do. We spoke out loudly, and the American people said: Let's get on with those two issues. They held it up for a little while but not for very long.

Mr. McCONNELL. A further illustration of how ordinary it is to get 60 votes around here, there have been 9 cloture motions filed in this Congress alone, and we are now finally starting the second month. It is really not in dispute that a 60-vote threshold is quite common around here. It is ordinary rather than extraordinary.

I yield the floor.

Mr. REID. Mr. President, I have offered 60 votes on McCain and Warner.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. McCONNELL. I understand he has offered 60 votes on McCain and Warner. The Gregg amendment is also important and would have to be included in any such negotiation which, hopefully, we will get back to having later today.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with up to 60 minutes under the control of the Senator from West Virginia, Mr. BYRD.

Mr. WARNER. Reserving the right to object, I inquire, at what point can other Senators speak? I presume at the conclusion of the distinguished Senator from West Virginia; is that correct?

The ACTING PRESIDENT pro tempore. We have—

Mr. WARNER. Might I make that a unanimous consent, that I can be recognized following the distinguished Senator from West Virginia for 10 minutes?

The ACTING PRESIDENT pro tempore. The order is first the assistant majority leader gets 10 minutes.

Mr. WARNER. All right. That is fine. And I notice the presence of the assistant Republican leader, so I would want to accommodate the assistant Republican leader.

At some point, I am just asking, as a matter of courtesy, at what time may I speak? The Senator from Maine, Senator HAGEL—there are several Members who would like to speak. If the Chair could help us, recognizing the leadership precedes.

Mr. BYRD. What is the order that has been previously entered?

The ACTING PRESIDENT pro tempore. There is no order in effect except for Senator DURBIN and Senator BYRD.

Mr. WARNER. Could I then ask unanimous consent at the appropriate time that the Senator from Virginia be recognized for 10 minutes, the Senator from Maine and the Senator from Nebraska for 10 minutes?

Mr. LOTT. Reserving the right to object, Mr. President, I believe if Senator DURBIN and Senator BYRD speak before we get into the rest of the lineup, I would like to have an opportunity to have at least 5 minutes to speak after Durbin and Byrd but then go forward with the unanimous consent request of Senator WARNER for himself and others.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. I am not sure a unanimous consent has been propounded, but

I would like to modify what is pending as follows: I have a hearing to chair at 3 o'clock. I have been allocated 10 minutes. I would like to use 5 and give 5 to the Senator from New York and allow the other Senators—I have noted several Republican Senators who wish to speak for whatever period the Senator from West Virginia would be prepared to work out with them. He was kind enough to allow me 10 minutes, which I will share with the Senator from New York if it meets with the approval of the Senate.

Let me defer to the Senator from West Virginia because I believe under the existing order I have 10 minutes and he has 1 hour, if I am not mistaken; is that correct?

The ACTING PRESIDENT pro tempore. The 60 minutes reserved for Senator BYRD is not necessarily following your 10 minutes.

Mr. DURBIN. If I might inquire of the Chair, then, is the 60 minutes for Senator BYRD reserved after morning business or during morning business?

The ACTING PRESIDENT pro tempore. During morning business.

Mr. DURBIN. I defer to the Senator from West Virginia because he made the earlier request and was kind enough to yield 10 minutes my way, and I want to make sure he agrees with whatever we tend to think is a reasonable way to allocate time.

Mr. LOTT. Mr. President, I don't believe there is any order in place that Senator BYRD would go next even though there was, I believe, an order that he have an hour as if in morning business; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. LOTT. My only reservation, not wanting in any way to cut off any Senator, is that there be some flow of back-and-forth after the distinguished whip has his time, along with Senator SCHUMER; that some of us be able to comment in response, perhaps; and that Senator BYRD, certainly, get his time, but Senator WARNER would also have an opportunity to get engaged in this lineup, and Senator COLLINS.

Mr. DURBIN. Would the Senator from Mississippi propound a unanimous consent request based on that so we can decide whether that would be an appropriate way to proceed?

Mr. LOTT. Mr. President, I ask unanimous consent that following the 10 minutes that has been allocated for Senator DURBIN as he would see fit to use his time, that I have 10 minutes, to be followed by the time Senator BYRD has, to be followed by Senator WARNER, an equal amount of time as he would see fit.

Mr. BYRD. Mr. President, reserving the right to object, what is the request?

Mr. LOTT. I believe Senator DURBIN would have 10 minutes as yielded by you, Senator BYRD, then I would have 10 minutes, to be followed by your time that you have requested, to be followed by Senator WARNER and others as they

would want to divide up that time. So we all would basically have an equal amount of time to go forward, but after an estimated 20 minutes, you would have your time to go forward.

Mr. BYRD. Is that the order that has been established or is that the request?

Mr. LOTT. That is the request.

Mr. BYRD. But the order as established is what, may I ask the Chair?

The ACTING PRESIDENT pro tempore. There is no order established. We have Senator DURBIN who is recognized for 10 minutes. The Senator from West Virginia has 60 minutes although there is no order established. In other words, it is not locked in that the Senator from West Virginia go immediately after Senator DURBIN.

Mr. BYRD. Well, what is the order?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has proposed an order where he would give 10 minutes to the Senator from Illinois, which I assume is 5 for the Senator from Illinois and 5 for the Senator from New York, although it is 10 minutes to the Senator from Illinois.

Mr. BYRD. Mr. President, I do not mean to be contentious, but what is the order without the request?

The ACTING PRESIDENT pro tempore. The order without the request is Senator DURBIN, from Illinois, is recognized for 10 minutes; then, following that—but again, there is no sequence laid out specifically to what has been agreed to—following that, the Senator from West Virginia is to have 60 minutes.

Mr. BYRD. Following that, if there is no sequence laid out, I would like for my time to follow the Senator from Illinois, and then we can talk about my time if Senators want some of it.

Mr. LOTT. Mr. President, after Senator DURBIN and perhaps Senator SCHUMER speak, my request was propounded on the basis that we try to go back and forth between the two parties and that I be allowed to have an equal amount of time in response to the remarks of Senator DURBIN and then go forward with an order that would put Senator BYRD next in order, to be followed by Senator WARNER. I am just trying to establish some fair flow back and forth.

Mr. BYRD. Reserving the right to object, is there a previous order to the effect that I have an hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. All right. The previous order is that I have an hour. When should I have the hour under the previous order?

The ACTING PRESIDENT pro tempore. That is what is trying to be worked out right now. Right now, the Chair asks the Senator from West Virginia if the Senator intends to use the full hour and if the Senator would like it all in one block or if the Senator would prefer to break it up?

Mr. BYRD. I don't know yet, but I want the hour.

The ACTING PRESIDENT pro tempore. In one block?

Mr. BYRD. I want the hour.

The ACTING PRESIDENT pro tempore. The full hour.

Mr. BYRD. An hour is a full hour.

The ACTING PRESIDENT pro tempore. Uninterrupted?

Mr. BYRD. As of now, I want the hour.

Mr. LOTT. Parliamentary inquiry: While there is an order that Senator BYRD have an hour, it was not put in place at a particular time or to follow in any particular order; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Is there objection to the request of the Senator from Mississippi?

Mr. BYRD. Yes. My objection as of this point—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Reserving the right to object.

Mr. SCHUMER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. If I could suggest, to speed this up, if instead of taking the 5 minutes Senator DURBIN was going to yield me, I would be happy to defer and let Senator LOTT speak for that 5 minutes, and after Senator BYRD finishes his remarks, I could speak my 5 minutes. That way we would have an order, and Senator BYRD would not have to yield any more time, and all of us would get to say whatever we wanted to say. I make that a unanimous consent request.

Mr. WARNER. Reserving the right to object, could then the three colleagues I have mentioned—myself, Senator COLLINS, and Senator HAGEL—follow the distinguished Senator from New York?

Mr. SCHUMER. I have no problem with that.

Mr. BYRD. Well, before that, let me—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, had an order been previously entered for me to have an hour?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Let me read the order for a point of clarification. It says: Under the previous order, there will be a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each, with up to 60 minutes under the control of the Senator from West Virginia, Mr. BYRD.

So it is in morning business, and the Senator from West Virginia has 60 minutes.

Mr. BYRD. All right. I thank the Chair.

Let's proceed under the order.

The ACTING PRESIDENT pro tempore. And also, the next Senator to be recognized is the Senator from Illinois.

Mr. BYRD. The Senator from Illinois, all right.

Mr. DURBIN. Will the Chair yield for a question?

The ACTING PRESIDENT pro tempore. Absolutely.

Mr. DURBIN. Is there a record vote scheduled at 5:30 on the cloture motion?

The ACTING PRESIDENT pro tempore. There is a vote scheduled under a previous unanimous consent at 5:30.

Mr. DURBIN. Mr. President, I ask unanimous consent that the 10 minutes before that vote be equally divided between the majority and minority so that at 5:20 a person speaking—sorry, I withdraw that request.

Mr. President, as I understand it, I am recognized for 10 minutes at this point?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. DURBIN. My intention is to yield 5 minutes to Senator SCHUMER. So I will begin at this point.

RESOLUTIONS OF DISAPPROVAL

Mr. DURBIN. Mr. President, let me say, for those who have not followed this debate closely, I think we have made amazing progress until today—until today—because what happened before today was that we were moving on a bipartisan track, a track of cooperation, so that the Senate would exercise its responsibility and deliberate a topic that is being debated today in Springfield, IL, and Little Rock, AR. That is the war.

In an effort to reach this point, we have made accommodations. Senators BIDEN, LEVIN, and HAGEL worked long and hard on a resolution of disapproval of the President's policy. They reported it from the Foreign Relations Committee. Yet, we set that aside and said, in the interest of comity, in the interest of fairness, we will gather behind Senator JOHN WARNER, the former chairman of the Armed Services Committee, in a bipartisan fashion, and we will work together so we bring one resolution of disapproval to the floor.

Senator WARNER was kind enough to make some modifications in that resolution, and we were prepared to proceed. We felt that was fair. Throughout this process, we have not been asserting the rights of the majority. We have tried to work in a bipartisan fashion.

So now comes the moment of truth. Will the Senate, after all the sound and fury, finally have a debate? Now we are told by the Republican side, no. We are told by the Republican side that because they have several other amendments they want to have brought up, they will stop any debate on the Warner resolution unless they have their way on the procedure.

I am troubled by this. If the Republicans in the Senate cannot swallow the thin soup of the Warner resolution, how will they ever stomach a real debate on the war in Iraq?

What we face now is a sense-of-the-Senate resolution.

It is important. It expresses the feeling of the Senate. But it is not going to change the situation on the ground.

The President will not be held back from sending the troops that he wants to escalate the war, nor will there be any money moved from one place to another, nor any limits on the troops, nor any of the changes that have been discussed.

What we started to do here was to have a sense-of-the-Senate resolution, a bipartisan resolution, introduced by Senator WARNER on the Republican side, as the basis for this debate. How much more good faith could we show on the majority side? And yet now we find that the Republicans have objected. We are witness to the spectacle of a White House and Republican Senators unwilling to even engage in a debate on a war that claims at least one American life every day and \$2.5 billion a week.

As we debate the procedures, as we go back and forth, day by day, we lose more soldiers and spend more money. I am sorry there is no sense of urgency on both sides of the aisle to move this matter to debate quickly. If the Republicans want to stand by their President and his policy, they should not run from this debate. If they believe we should send thousands of our young soldiers into the maws of this wretched civil war, they should at least have the courage to stand and defend their position.

One of their own on the Republican side, speaking before the Foreign Relations Committee, said he felt it was a matter of responsibility. He said: We are Senators, not shoe salesmen. I do not want to reflect poorly on entrepreneurs in America by referring to shoe salesmen in a derogatory way, but I would join in his remarks. If we cannot come together today and begin the debate on the single issue that is paramount in the minds of people across America, why are we here? What are we waiting for?

We have certainly tantalized them with the prospects of a debate. And now to have the Republicans pull the rug out from under us at the last minute and say, no debate this week, well, they understand, as we do, the continuing resolution is imminent. We have no time to wait. We have to move to it. And if they can slow us down and stall us for a few more days, then the White House gets its way: no deliberation, no debate, no vote.

The final thing I will say is this: Some on the other side have argued this is a vote of no confidence in the President and the troops. They could not be further from the truth. I cannot believe that Senator WARNER, a man who has served his country so well in so many capacities, would be party to a resolution which would express no confidence in the troops of this Nation. I would not be. He would not either.

This resolution expresses our confidence and our faithfulness in those men and women in uniform. Nor is it a vote of no confidence in this President. Of course it is his policy. But what we should debate—and we will debate—is

the policy itself, not the personalities involved. But for the Republicans, now in their minority status, to put a stop to this debate is to try to put a stop to a debate that is going on across America.

I will tell them this. They may succeed today, but they will not succeed beyond today. There will be a debate on this war. It may not be this week; it may not be this bill; it may not be this resolution. There will be a debate because the American people made it clear in the last election it is time for a new direction.

Mr. BYRD addressed the Chair.

Mr. DURBIN. Mr. President, I yield to the Senator from New York.

Mr. BYRD. No, no. I asked—

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I do not mean to be discourteous to my leader. I understand he yielded the floor.

Mr. DURBIN. I was yielding the remaining time. I had 10 minutes, and I was yielding—how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 5 minutes remaining.

The Senator from Illinois had the floor, and he was going to give 5 minutes to the Senator from New York.

Mr. DURBIN. I was yielding my remaining 5 minutes to the Senator from New York.

Mr. BYRD. Very well.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for yielding the time. And I thank my good friend from West Virginia. I know he will have a lot to say, and we will all listen to it with eager ears.

Mr. BYRD. And I am going to speak often. I do not speak often.

Mr. SCHUMER. I am sorry to delay that a few minutes and look forward to hearing it.

Mr. BYRD. That is all right.

Mr. SCHUMER. Mr. President, let's make no mistake about what is happening today. The Republican side is afraid to debate even a nonbinding resolution as to whether this Senate supports an escalation. Simply put, this is a filibuster so that we cannot debate the war in Iraq. Some on the other side will say, well, the word "filibuster" should not be used. But that is exactly what is going on.

Some on the other side will say, well, Democrats filibustered judges. We did. They said that. We were willing to stand by it. Are they willing to stand by filibustering the war in Iraq? And let me say this—let me say this—the lack of debate on this war in this Senate, in this administration, and in this country has led to the muddle, the debacle we are now in, where 70 percent of the people do not support this war. And most experts you talk to say: What is the strategy? We do not seem to have one.

When General Shinseki, 3 years ago, said we needed more troops, there was