

Jeremy Jacobson, Jessica Leuthold, Brooke Littlewood, Hannah McMeekin, Tori Miyagi, Cally Musland, Evelyn Poole, Emily Scarborough, Megan Schipp, Andrew Sennett, Grant Sui, Matthew Sutton, Kathryn Tull, Thomas Turner, Aunna Wilson.

#### LIFE-SAVING SURGERY

Mr. REID. Mr. President, prior to the nomination being taken up, let me say that I met General Petraeus in Iraq. At that time, the Republican leader was Senator Frist, who is a doctor, as we all know. General Petraeus said, "I want you to take this back to Dr. Frist and remind him that he saved my life." There was a training exercise going on with live ammunition, and somebody tripped and fell with live ammunition and General Petraeus was shot in the heart. Dr. Frist saved his life. The surgery was complicated and important.

So I wish Senator/Dr. Frist were here today to be able to express his appreciation for General Petraeus. I brought that medal back from Iraq to give to Leader Frist and he remembered the surgery. He saved the life of a great man.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

#### NOMINATION OF LIEUTENANT GENERAL DAVID H. PETRAEUS TO BE GENERAL, UNITED STATES ARMY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of David H. Petraeus to be General, United States Army.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 45 minutes of debate, with the time to be equally divided between the Senator from Michigan and the Republican leader or his designee.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I come to the floor this morning to express my support for the nomination of LTG David H. Petraeus, U.S. Army, for appointment to the grade of General and assignment as Commander, Multinational Force—Iraq.

General Petraeus is presently serving as Commanding General, U.S. Army Combined Arms Center, Fort Leavenworth, Kansas, the Army's leader development, professional military education, doctrine development, and lessons learned center. This is the place where the Army focuses its attention and its greatest professional capabilities on developing leaders, on military

education, on developing doctrine, and on learning the lessons from previous conflicts and challenges. As a matter of fact, the Army and Marine Corps' newly issued counterinsurgency manual was written under the command and guidance of General Petraeus at Leavenworth.

General Petraeus had two previous tours of duty in Iraq. The first was in 2003 when he was Commanding General of the 101st Airborne Division, which was headquartered in Mosul, Iraq. General Petraeus' second tour in Iraq was from May 2004 to September 2005, when he was Commander, Multinational Security Transition Command—Iraq/Commander, NATO Training Mission—Iraq. In that capacity, he was responsible for the organizing, training, and equipping of Iraqi security forces.

General Petraeus' nomination to become the Commander of Multinational Forces—Iraq may be the single most important command in the Nation's defense establishment. The Nation will entrust him with the operational command and the welfare of over 130,000 American service members who are presently in Iraq, and of those who may be deployed to Baghdad as part of the President's planned increase in the middle of a protracted and bloody sectarian battle over the future of Iraq.

General Petraeus is professionally qualified for this command. He is widely recognized for the depth and breadth of his education, training, and operational experience. Noteworthy is his recent leadership of the new Army/Marine Corps manual. He testified that he believes the new military strategy for Iraq will work, and that the U.S. military forces under his command will be able to successfully accomplish their mission. We would not want a commander who did not believe in his mission and in the troops under his command. I pray he is correct.

I am obviously very concerned over a strategy that relies on the Iraqis meeting their commitments when they have repeatedly failed to do so in the past. I am obviously concerned about a strategy which is based on an increased military presence, when expert after expert, including military commander after military commander, has told us there is no military solution in Iraq; that the only way to end the violence in Iraq is for the Iraqis to reach a political settlement.

I am deeply concerned that this new strategy, I believe, is based on the wrong assumption—that there is a military solution to a sectarian war—when in fact the only solution to a sectarian conflict is for those groups to finally share power, share resources, including resolving the differences over autonomy that can end the violence. That is not just me saying that; that is also what the Iraqi President has said repeatedly—that it is the Iraqi political leaders' failure to reach a political settlement that is the cause of the continuing violence.

That being the case, I don't believe—and I don't think a majority of this

body believes—that an increase in troops going into the middle of the neighborhoods of Baghdad and staying there—"holding," as we say—is going to contribute to a successful conclusion of our presence in Iraq. It is not going to help the Iraqis succeed, to put our troops in their neighborhoods in the middle of the sectarian strife. We are going to add targets without adding to the essential need of the Iraqis to face a reality—to stare at their options, to look into an abyss—civil war or one nation? That has to be their choice. We cannot make it for them. We can make it easier or harder for them to do it.

The question is whether adding troops into that sectarian cauldron is going to contribute to their reaching a political solution or indeed will delay the day, as some of our commanders have said, when they will reach a political settlement. As a matter of fact, General Casey, the current commander, emphasized this point on January 2:

The longer we in the U.S. continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to make the hard decisions about reconciliation and dealing with the militias.

General Abizaid said the following:

It's easy for the Iraqis to rely upon us to do the work.

Then he said this:

I believe that more American forces prevents the Iraqis from doing more, from taking responsibility for their own future.

That is what General Abizaid said in November.

So those are the expressions of our top military commanders who are there now. I believe they are right. But we need a commander in Iraq. General Casey is retiring. The question is not whether we agree with a particular strategy—and we will have an opportunity, hopefully next week, to vote on whether we agree with the increase of the American military presence as a way of pressuring the Iraqis or taking the heat off of their political leaders to reach a political solution. We will debate that issue.

But we need a commander. We have a qualified commander who has been nominated. There are other issues General Petraeus is going to have to face. General Keane, yesterday, pointed this out. We had a hearing in front of the Armed Services Committee yesterday. General Keane was there, along with former Secretary of Defense Perry and Ambassador Ross. General Keane pointed out yesterday that we have a significant problem which is going to face General Petraeus in Baghdad other than the violence, other than inserting American forces into neighborhoods and trying to hold them with American forces, with an American face, with an American uniform. That is a big enough problem. But the command arrangements are such that U.S. and Iraqi forces are going to be operating side by side in those neighborhoods under two separate chains of

command, violating the unity of command principle that is so ingrained in U.S. military doctrine and, indeed, is one of the key principles in that counterinsurgency manual which General Petraeus helped to create. He must have unity at the command. They must agree down there on those streets: Yes or no, are we going into that house or not?

Now, who goes into that house is a critically important issue. Many of us don't believe it ought to be an American tip of the spear; that the Iraqi forces have been trained, 150,000 or more, to protect their country, and they should be the tip of the spear. That is one issue. There is a great dispute over that issue.

That goes to the heart of the matter as to whether more American troops are going to help solve this problem. But it complicates the problem, it exacerbates the problem when you have two commanders on the ground side by side who have two different chains of command who may have two different opinions as to who ought to go into that house or whether that house ought to be entered. That has not been resolved. That is what General Petraeus is also going to have to face.

General Keane, who is former Vice Chief of Staff for the Army, just yesterday expressed his strong concern about the command arrangements but said he was confident that General Petraeus had the ability to revise the arrangements so that there could be a unity of command. I hope he is right.

It may be a superhuman task. It may be an impossible task. It is not a task which ought to face a commander. These issues ought to be worked out in advance of forces entering into combat situations. But they are not worked out. So General Petraeus has to figure that out as well as the major issues that he is going to face.

Mr. President, did I yield myself a particular amount of time?

The ACTING PRESIDENT pro tempore. The Senator from Michigan did not. The Senator from Michigan has 8 minutes 5 seconds remaining.

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, during his testimony at his confirmation hearing, General Petraeus volunteered to provide honest, straightforward reports to the Congress on a regular basis in recognition of Congress's oversight responsibilities. We are counting on him doing so. He may even report to us over a TV network, but he made a commitment. He volunteered a commitment. This was not something we had to press him to do.

He said: I am going to regularly report to Congress on whether this new strategy is working and whether these so-called benchmarks which the Iraqis have allegedly agreed to, representing their commitments—when will they produce troops; will those troops, in fact, be subject to political pressure; will the Iraqis come through with the

commitments relative to the financing of reconstruction? He is going to report to us on all the commitments which the Iraqis have made, all the benchmarks which are supposed to be met. I take him at his word. He is an honorable man, and that is an important representation, again, made at his initiative.

I believe General Petraeus is highly qualified for his promotion to the grade of general and his assignment as our senior officer in Iraq at a very critical and dangerous time. That position needs to be filled. General Casey is retiring. I will vote for his nomination, and I urge our colleagues to do the same.

I yield the floor and reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. LEVIN. Mr. President, I wonder if the Senator from Alabama will yield for one moment.

Mr. SESSIONS. Yes.

Mr. LEVIN. Mr. President, I want to correct the record when I said General Casey was retiring. General Casey is being transferred to a different position and not retiring. I correct the record on that point. We still need General Petraeus to fill that position because of the shift in and the transfer of General Casey, but it is not a retirement.

I thank my friend from Alabama for yielding so I could correct the record.

Mr. SESSIONS. Mr. President, I thank Senator LEVIN, our chairman of the Armed Services Committee and our extraordinarily capable leader.

Mr. President, I would like to be notified in 4 minutes.

The ACTING PRESIDENT pro tempore. When 4 minutes remain?

Mr. SESSIONS. No, after I have spoken for 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. SESSIONS. Mr. President, I want to make a couple of points about General Petraeus. My colleague, Senator BUNNING, who knows him personally from when he served in Kentucky—and has been with him in Iraq, as I have, will speak longer about him.

I will just say this: General Petraeus was in Iraq in 2003 during the initial invasion. I met him there when I went on a codel. He impressed me, and all of us, as an extraordinary leader. He was commander of the 101st Airborne. He is a Ranger and a combat officer. He finished at West Point at the top of his class. He has a Ph.D. from Princeton. He was No. 1 in his class at the Command and Staff General Officer School. By all accounts, he is a man of the most extraordinary ability.

He came back to Iraq when we realized the training of the Iraqi military was not progressing effectively. So after he had hardly been home a year, the President asked him to go back to train the Iraqi military and police; for 15 months, he went back to Iraq, leaving his family again. Fortunately, his

wife is a daughter of a military officer and understands our national interest and the lives of American soldiers are at stake.

He went back to train those officers, and he did that, by all accounts, to an extraordinarily fine degree, given the difficulties that entailed. He got to know virtually all the leaders in Iraq. He doesn't know Prime Minister Maliki, but he knows all the leaders in Iraq. Then he came back, and his duties for the last year have been to prepare this manual, the military manual on counterinsurgency. That is exactly what we are in today, a counterinsurgency operation in Iraq.

I believe we have the finest person this country has to offer to take a fresh look at the situation. I am an admirer of General Casey and General Abizaid. I think they worked their hearts out and did a lot of great things. I never believed they have done anything but a superb job, but sometimes, we need change and new people. I believe this is the best person we can send.

General Petraeus promised, as Senator LEVIN said, which is critically important, in response to a question I asked, but he had volunteered it to me in a private conversation: Senator, if you want the truth, I will tell you. If you send me over there, I am going to tell you what I think.

I said to him at the hearing: Will you tell the American people how this thing is going? And if it is not going effectively and we shouldn't continue, will you tell us?

He said: Yes, sir, I will.

I believed him when he said that. We cannot have a situation in which we end up 20 years from now with someone writing an autobiography and saying: I thought the war was lost. Yet I didn't say it at the time. We need somebody to tell us the truth. I believe he will do that.

We need to support him. The whole infrastructure and bureaucracy of this Government needs to be responsible to the commander on the ground. We have a good Ambassador, but in Iraq where we have this much disorder and military threats, the commander is a leading factor. The people there respect him. We in the United States look to him to do much of the work, when much of it is actually being done by the Ambassador and other agencies of Government. But they need to respond to him because he understands the situation. We need to have adequate prisons and an adequate court system. If the soldiers go out and apprehend these people, where are they going to put them?

The ACTING PRESIDENT pro tempore. The Senator's 4 minutes has expired.

Mr. SESSIONS. Mr. President, we need infrastructure, and we need trainers. General Keane was very positive about General Petraeus and said some important things about these needs. This manual deals in great depth with

almost every issue raised by Senator LEVIN. So I believe in General Petraeus; we have the person best able to work through all the joint command and political issues, as well as the military.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I do not in any way want to interrupt the proceeding, but I wonder if I might be recognized, following the distinguished Senator from Kentucky, to address the nomination.

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

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, it is my distinct honor to rise today and speak in support of the nomination of David Petraeus to become the commander of the multinational forces in Iraq. I am confident that with General Petraeus's experience, leadership skills, and judgment, he will prove to be an outstanding commander.

I can speak from experience because General Petraeus is a personal friend of mine. Not only is he a friend of mine but also of the Commonwealth of Kentucky.

I met General Petraeus initially at Fort Campbell in Kentucky, but even more importantly, when I made a codel to Iraq in 2004 with former Senator Zell Miller, we spent some time with General Petraeus and the 101st in Mosul. At that time, he was the commander of the 101st Airborne Division in Mosul. As many of my colleagues might know, the 101st Air Force is based out of Fort Campbell, KY.

While in Mosul, I had an opportunity to spend some time with General Petraeus and see his troops in action. What I saw was one of the most impressive military leaders I have ever met, and I have met a lot of them.

In his 27 months in Iraq—27 months in Iraq—General Petraeus was asked to lead a division into battle, to oversee the reconstruction and governance of Iraq's third largest city, and to build up from virtually nothing Iraq's army and police force.

General Petraeus not only met all of these challenges, but he succeeded in showing them a unique type of flexibility and adaptability in his leadership. I believe this to be a very important skill that will serve him well in his new mission in Iraq.

While in Iraq, I was able to see firsthand how this skill of adaptability transcends General Petraeus and was passed on to his troops serving under his command. It was soon after the fall of Saddam Hussein when the 101st Airborne Division got the orders to go to Mosul. They were charged with restarting the city's economy, getting civil institutions on their feet, and creating a working democracy.

Under the command of General Petraeus, some officers supervised cement factories, others electricity generation. Soldiers who had studied military aviation tactics found themselves figuring out how to run a university, and an artillery officer was responsible for figuring out how to get the region's oil flowing again.

General Petraeus himself even supervised the city's first elections, elections of Iraqis of very diverse backgrounds.

How did he do all this? He did it through a partnership between the U.S. forces and the Iraqis, the exact type of partnership the President is calling for in his new way forward in Iraq. It is this type of forward thinking which will help our mission in Iraq to succeed.

General Petraeus has also managed to earn the respect of the Iraqis, the Kurds, Sunnis, and Shias. This type of working relationship of mutual respect is desperately needed at this time in Iraq. I recognize it, General Petraeus recognizes it, and so does the President of the United States.

One of the key components in the President's new strategy in Iraq is creating a real partnership between U.S. forces and Iraqi forces where we would effectively train the Iraqis to secure their own neighborhoods and then act, the U.S. troops, as reserve reinforcements. Through this training and security, Iraq neighborhoods could once again begin to rebuild themselves, restoring vital services such as water and electricity to the Iraqi people. Eventually we can begin to restore peace to embattled neighborhoods in Baghdad.

This is no easy task, and no one knows that better than General Petraeus. He has even admitted to it being a daunting task. But I am confident in his ability to lead. His service in Iraq has equipped him with expertise in irregular warfare and operations and a true understanding of the enemy we face.

Like many of my colleagues here on the floor of the Senate, I, too, was initially skeptical of sending additional reinforcement troops to Iraq. But I am convinced that we have to allow General Petraeus the opportunity to succeed in this mission. In this effort, he has offered to provide Congress with regular reports on the status of his mission, on the performance and commitment particularly of the Iraqis to their promises. I, for one, would like to take General Petraeus up on his offer, and I am sure everyone in the Senate feels the same way.

I believe it is vital that we keep up to date daily on the situation in Iraq as it changes so we can best help our new commander address the situation he faces. Judging how the Senate's Armed Services Committee unanimously voted him out of committee on Wednesday, I know I am not alone in my confidence in him.

I urge my colleagues today to support General Petraeus's nomination. I

wish him Godspeed in his mission and look forward to seeing the progress we can make in Iraq under his leadership as we continue to defeat the terrorists and to win this war against them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I compliment my distinguished colleague for his remarks. I am proud to follow and likewise indicate my unqualified support for General Petraeus, to wish him well, and I hope he succeeds. We had a thorough hearing in the Armed Services Committee. I wish to compliment our new chairman, Senator LEVIN, and the ranking member, Senator MCCAIN, for the speed and efficiency with which they managed to get this nomination before the Senate for confirmation.

We have also pending resolutions to address the situation in Iraq, most specifically our new strategy. I simply say to our leadership, I hope we can address those resolutions at the earliest possible date because our forces are engaged in combat as we speak here this morning, and we certainly do not wish to have debate any way construed as less than full support for what they are endeavoring to achieve. We wish them well, and their beloved families here at home, in these perilous days.

I have concurred steadily, steadfastly in the President's decision—and it is an absolutely correct position. We cannot let Iraq fail, fail in the sense to lose the sovereignty they have gained through hard-earned elections and the opportunity for this Nation to emerge as a constructive partner toward world peace. Therefore, we must press on. But I think it is incumbent upon the Congress to provide its views. The President specifically asked, if there were suggestions, forward them, speak them, and I and others, in a matter of clear conscience, have done just that. We shall see what evolves from the resolutions now pending and possibly other suggestions that could be brought forth by colleagues in the days to come in the Senate. I do once again urge that we address it as expeditiously as the joint leadership can determine.

Yesterday, the Armed Services Committee had a hearing. We had the distinguished former Secretary of Defense, Mr. Perry; Ambassador Ross, who is a renowned expert on that region of the world, the Middle East; and the former Vice Chief of the U.S. Army, now retired, General Keane. It was excellent testimony. I wish to pick up on one thing General Keane addressed.

I go back to the President's remarks when he spoke to the Nation on January 10. He said:

Now let me explain the main elements of this effort: The Iraq government will appoint a military commander and two deputy commanders for their capital. The Iraqi government will deploy Iraqi Army and National Police brigades across Baghdad's nine districts. When these forces are fully deployed,

there will be 18 Iraqi Army and National Police brigades committed to the effort, along with local police. These Iraqi forces will operate from local police stations—conducting patrols and setting up checkpoints and going door-to-door to gain the trust of the Baghdad residents.

This is a strong commitment. But for it to succeed, our commanders say the Iraqis will need our help. So America will change our strategy to help the Iraqis carry out their campaign to put down sectarian violence and bring security to the people of Baghdad. This will require increasing American force levels. So I've committed more than 20,000 additional American troops to Iraq. The vast majority—five brigades—will be deployed to Baghdad. These troops will work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs.

I say most respectfully, this poses a command structure, a dual one, of Iraqi commanders and U.S. commanders, which is unique. Traditionally, American forces operating in military campaigns have a unified command. There is the commander, and it goes right on down to the lieutenant, the head of the patrols, and the platoons. I think this will require further definition, further study.

I bring to the attention of our distinguished nominee, General Petraeus, the testimony of General Keane yesterday where, in the course of a colloquy with me and I think Senator LEVIN and Senator MCCAIN—and, indeed, I remember the Senator from Rhode Island—we were quite concerned about how this unique command and control would work. General Keane concluded his testimony, in response to a question I posed, by urging General Petraeus early on to devote some attention to this question of how this sort of joint command and control is going to operate.

On the battlefield, decisions must be made in a matter of seconds, from the platoon level often right up the chain of command. We cannot have finger-pointing. We cannot have a mission where the Iraqi lieutenant says we should go left, the American embedded officer or whatever command America has in that situation says go right, and the mission not achieve its goal and then the finger-pointing as to which officer was correct and who was right and who was wrong. We cannot have that in this situation. It is going to be an extremely complex mission.

Yes, I have put forward, along with other colleagues, recommendations of how possibly this operation could be conducted with few American forces, and specifically our resolution says the rules of engagement of the forces—that is standard military technology—should have some specificity, hopefully saying: Wherever possible, the Iraqis will bear the brunt of the sectarian violence. I am very concerned about the American GI being thrust in the middle of the violence that really has root causes that go back 1,000 years to the

divisions of thought between Iraqis as to whether they are Sunnis or Shias. It seems to me that Iraqi forces who have the language capability, who understand the cultural differences, are far better qualified than the American GI to do this.

Also, we have another document which was put out which explains the operations. It lists the President's priorities. It clearly says Iraqis will be in the lead and on the point. This is a White House document issued here in the last few days:

The President's New Strategy is Rooted in Six Fundamental Elements: Let the Iraqis take the lead.

That has to be well defined and well understood. I commend the President for putting the emphasis on having the Iraqis do that.

So I hope we can go about our debate in an orderly way at the earliest possible time. I urge Members to be cautious as we proceed. The feelings on this are quite intense, as they should be, because this is one of the most pivotal, one of the most important decisions I have seen come before this body in my now 29th year in the Senate. I hope we conduct it with sincerity and dignity and huge respect among colleagues with regard to our differences. I speak for myself and I think those other nine individuals who worked with me—Senator BILL NELSON, Senator SUSAN COLLINS—this is a truly bipartisan effort.

Whatever we conclude here in the Senate, it is my fervent hope that it reflects a feeling of bipartisanship because therein is how best we can help the American public understand this complex situation, to give their public support. They are strongly behind the troops now. We want to get them to have a better understanding and a greater confidence in this new revised strategy going forward. This can best be achieved at the highest level of bipartisanship we can obtain here on these serious issues.

I see the distinguished chairman here. I yield the floor.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DOMENICI. Mr. President, I rise in support of the nomination of GEN David Petraeus to be commander of American and allied forces in Iraq.

General Petraeus has had a long and distinguished career in the U.S. Army. From the moment he graduated from the U.S. Military Academy in 1974, General Petraeus has shown himself to be a dedicated officer and leader. He has held numerous leadership positions in the Army and has served throughout the world. Most recently, General Petraeus was the commander of the NATO training mission to Iraq and before that commanded the 101st Airborne Division during the first year of Operation Iraqi Freedom. Additionally, General Petraeus has earned MPA and Ph.D. degrees in international relations from Princeton University's

Woodrow Wilson School of Public and International Affairs and has received many awards and decorations including the Distinguished Service Medal and the Bronze Star for valor. Furthermore, he is widely regarded for having written the book on how to conduct counterinsurgency operations.

I recently met with General Petraeus to discuss the current situation in Iraq and our need to achieve a stable and secure, self-governing Iraq. He is clearly aware of the difficult challenges that he will face. In our meeting and in his testimony to the Senate Armed Services Committee, General Petraeus clearly outlined what is at stake in Iraq and has convinced me that he is the best man to command Multi-national Force-Iraq at a most challenging time for the United States and the Iraqi Government.

I have confidence in his pledge to me that he will openly and honestly tell Congress the situation on the ground as it unfolds and provide forthright advice regarding the new strategy in Iraq, and I am heartened by his commitment to the Armed Services Committee to provide periodic updates on the situation in Iraq.

I have made clear to General Petraeus that I will support him, his efforts, and our troops in every way, but my support for the President's new strategy for Iraq is conditioned on seeing measurable progress by Iraqis in securing and reconstructing their country.

Clearly, based upon his intellect and experience in Iraq and elsewhere, General Petraeus is an excellent choice to command American and allied forces in Iraq, and I support his nomination.

Mr. NELSON of Nebraska. Mr. President, I rise today to support the nomination of LTG David H. Petraeus for promotion to General and Commander, Multi-National Forces-Iraq. I was pleased to join with my colleagues on the Armed Services Committee to favorably report his nomination to the full Senate.

General Petraeus has been commended by his superiors and policymakers alike for his ability to listen, to spend money wisely and use force intelligently in Iraq. He will bring to this new assignment his experience from back-to-back tours in Iraq. Most recently, General Petraeus authored the Army's new counterinsurgency manual. He is truly one of our most impressive Army leaders today.

On January 10, the President articulated the strategy which General Petraeus will implement if confirmed to this important post. His mission will be to clear, hold and build. It will require the use of force, and negotiations alone won't complete this mission. I have serious doubts about this plan, especially the President's desire to send even more troops to Iraq.

Because I feel so strongly that the situation in Iraq is deteriorating, I have joined with colleagues to draft a non-binding sense-of-Congress resolution, S. Con. Res. 4, to oppose the surge

of troops into Baghdad. Senator WARNER, Senator COLLINS and I believe this resolution avoids partisan rhetoric and provides the Senate a voice to express their disagreement with the President on his Iraq policy.

Importantly, this resolution holds the Iraqis accountable and lets them know that the U.S. commitment is not open-ended. Our resolution emphasizes the Iraq Study Group's valuable recommendations and specifically says that our strategy in Iraq "should be conditioned upon the Iraqi government's meeting benchmarks that must be specified by the Administration."

Along those lines, I hope General Petraeus will be vigorous in keeping Congress informed of progress he is making in Iraq. We need to know what the benchmarks are on the military side of the ledger. We also need to know what is expected of the Iraqis. I hope it's much more than just showing up; the bar can't be that low. I don't want to bombard General Petraeus with paperwork—we want and need him in Baghdad neighborhoods restoring order—but it is vital that we know if the Iraqis are capable of sharing security responsibilities.

During his office call last week, I told General Petraeus the expectations from Congress for his success are high, but the hopes of the American people are even higher. I feel that General Petraeus wants nothing less than success in Iraq and I look forward to working with him in the coming months to meet the needs of the troops so they have the tools they need to complete this mission.

Mr. LEVIN. Mr. President, unless there is someone else who wants to speak, I have already spoken. I would ask, is the vote scheduled?

The ACTING PRESIDENT pro tempore. Yes. At the expiration of time, 6 minutes 30 seconds, the vote will occur.

Mr. LEVIN. I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I yield back the remaining time on this side, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of LTG. David H. Petraeus to be General, United States Army? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr.

DORGAN), the Senator from Hawaii (Mr. INOUE), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

I further announce that the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Vermont (Mr. LEAHY) would each vote "yea."

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. CRAIG), the Senator from South Carolina (Mr. GRAHAM), the Senator from Arizona (Mr. KYL), the Senator from Mississippi (Mr. LOTT), and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

The result was announced—yeas 81, nays 0, as follows:

[Rollcall Vote No. 33 Ex.]

YEAS—81

Akaka	Dole	Mikulski
Alexander	Domenici	Murkowski
Allard	Durbin	Murray
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Obama
Biden	Feinstein	Pryor
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brown	Hagel	Rockefeller
Brownback	Harkin	Salazar
Bunning	Hatch	Sanders
Burr	Hutchison	Schumer
Byrd	Inhofe	Sessions
Cardin	Isakson	Shelby
Carper	Kennedy	Snowe
Casey	Klobuchar	Specter
Clinton	Kohl	Stabenow
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Warner
Crapo	McCaskill	Webb
DeMint	McConnell	Whitehouse
Dodd	Menendez	Wyden

NOT VOTING—19

Boxer	Inouye	McCain
Cantwell	Johnson	Roberts
Chambliss	Kerry	Smith
Coburn	Kyl	Stevens
Craig	Leahy	Thomas
Dorgan	Lott	
Graham	Martinez	

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the President will be immediately notified of the Senate's action.

Mr. FEINGOLD. Mr. President, I voted for LTG David H. Petraeus of the U.S. Army to be general and commander, Multi-National Forces—Iraq.

He is a highly experienced individual with a long history of excellent and selfless service to this country. I believe he represents the high caliber and professionalism of our Nation's military, and I wish him well with an extremely difficult assignment.

But while I am supporting his nomination, I in no way support the President's policies in Iraq. The President has made the wrong judgment about Iraq time and again, first by taking us into war on a fraudulent basis, then by keeping our brave troops in Iraq, and now by pushing to put 21,500 more American troops into harm's way.

The indefinite presence of U.S. military personnel in Iraq will not fix that country's political problems. And as we have seen over the last few years, sending more troops will not provide the stability in Iraq that can only come from a political agreement. Congress must develop the courage to confront this President on what has become one of the greatest foreign policy mistakes in our history.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

FAIR MINIMUM WAGE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) Amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) Amendment No. 101 (to Amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl Amendment No. 115 (to Amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) Amendment No. 152 (to Amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) Amendment No. 153 (to Amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich Amendment No. 110 (to Amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint Amendment No. 155 (to Amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to