

SEC. 116. PROHIBITION ON FINANCIAL GAIN FROM EARMARKS BY MEMBERS, IMMEDIATE FAMILY OF MEMBERS, STAFF OF MEMBERS, OR IMMEDIATE FAMILY OF STAFF OF MEMBERS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"15. (a) No Member shall use his official position to introduce, request, or otherwise aid the progress or passage of a congressional earmark that will financially benefit or otherwise further the pecuniary interest of such Member, the spouse of such Member, the immediate family member of such Member, any employee on the staff of such Member, the spouse of an employee on the staff of such Member, or immediate family member of an employee on the staff of such Member.

"(b) For purposes of this paragraph—

"(1) the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of a Member or any employee on the staff (including staff in personal, committee and leadership offices) of a Member; and

"(2) the term 'congressional earmark' means—

"(A) a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(B) any revenue-losing provision that—

"(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986; and

"(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision;

"(C) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(D) any provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities."

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that there be a full hour of morning business following my remarks.

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

Mr. REID. Mr. President, also, we are going to take up the minimum wage bill this afternoon. I hope we can finish it this week. There are a lot of things going on. There is a conference going on someplace outside the boundary of the United States. We have a lot of work to do. We are going to have votes throughout this bill. It will be a little complicated because of cloture being involved, but I will be meeting with the Republican leader later today, and we will talk about ways we can move forward on this minimum wage legislation, perhaps in a more timely fashion.

Again, it would be nice to finish the bill this week. It will be difficult to do, but we would like to work it out so that we won't have a series of votes on Friday.

RECOGNITION OF THE REPUBLICAN LEADER

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

GETTING STARTED

Mr. MCCONNELL. Once again, I thank Senators BENNETT and FEINSTEIN for their efforts last week on the lobbying reform bill. I think the 96-to-2 vote Thursday night pretty well sums up the broad bipartisan support we had for this important legislation.

With regard to the minimum wage, I encourage Members on our side to come to the floor today not only to debate the package but to also offer their amendments. I hope we can have a full, constructive debate as Members offer their various proposals to the bill.

Let me ask my friend, the majority leader, did he indicate that the first vote will probably be before the policy luncheons?

Mr. REID. Yes.

Mr. MCCONNELL. As the majority leader indicated, we have a number of different interruptions this week, not the least of which is the State of the Union tomorrow night, which will truncate the amount of time we have on the floor. I think the best way to get started is for Members to come over and offer their amendments, get them in the queue, and let's get started.

I yield the floor.

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 now be a period for the transaction of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Arizona is recognized.

THE PRESIDENT'S NEW STRATEGY IN IRAQ

Mr. KYL. Mr. President, I wish to address recent changes in the situation in Iraq and the possibility that resolutions of disapproval to the President's new strategy will be offered in the near future—a possibility which I believe would be very dangerous to the success of our military efforts.

I will make three points this afternoon.

The first is that it is important for us to give the newly announced strategy of the President an opportunity to succeed. That makes sense not only because everyone recognized that the President needed to announce a new strategy—he has done that, and it seems to me he should be accorded that courtesy—but also because, from a military standpoint, it is the only thing that makes sense.

The key to the new strategy announced by the President is not the addition of new troops. We have had far more in terms of numbers of troops in Iraq than the increase that will be provided by this latest plan. No, the primary change in the strategy is the actions of the Iraqi Government—in particular, Prime Minister al-Maliki's commitment to begin doing things we wanted him to do a long time ago but which he was unwilling to do—to hold people after being arrested rather than releasing them on the streets, to allow curfews and checkpoints to work, to allow the control of the Mahdi army, which is under the leadership of Sadr, the Shiite leader in Iraq, who has confronted al-Maliki and his government.

It appears this new strategy is beginning to work even after only a few days of its announcement. People have asked: Can we trust al-Maliki? The answer is that no one knows. But actions speak louder than words. Apparently, he has made good—at least initially—on his commitment to confront the Mahdi army and to stop Sadr and that army from continuing the sectarian violence against Sunnis in Baghdad. Apparently, there have been a lot of arrests made, and the United States is going to be able to now conduct the type of hold operations, after they have cleared an area, that would be necessary to create stability for an ultimate peace in Iraq.

So the first point is we do need to give this new strategy a chance to succeed. The very early returns suggest that it just might be having that effect.

In addition, it is important for us to be able to regain control of the Anbar Province. Almost a third of the western part of Iraq is under attack by al-Qaida and other terrorists who mean to create their own little fiefdom—called a caliphate—in that part of the country. Clearly, we cannot allow al-Qaida to have a terrorist base in Iraq. The additional battalion of marines who are committed to clearing this area is critical to the stability in Iraq and the defeat of the terrorists there.

The second reason we should give this strategy a chance is that the non-binding resolution which has already been offered and will apparently be brought before the Senate within a week or so is wrong for two reasons: First of all, it presents no credible alternative, and secondly, it is dangerous. It presents no credible alternative, just mere criticism. Albeit in a nonbinding way, it is still criticism without any kind of an alternative.

The resolution itself doesn't contain an alternative except the following: "The primary objective of the United States"—I am really listening at this point—"strategy in Iraq"—I am looking for a verb here but instead here are the four words—"should be to have the Iraqi political leaders make the political compromises necessary to end violence in Iraq."

"Should be to have" them. Well, if I had a magic wand, maybe I could make this happen. But the reality is that it is not the lack of political compromise, it is the lack of peace that is enabling them to make the political compromise. As long as the Mahdi army is controlling Sadr City and Sadr is confronting al-Maliki and fomenting violence—Shiite and Sunni and vice versa—the political compromises are going to be impossible to make. That is why the President and al-Maliki understood you have to first create peaceful conditions, change the conditions on the ground. If the Mahdi army is going to have death squads foment this kind of violence, you will never have those political compromises. If al-Maliki can control Sadr and eliminate the threat, political compromise is possible. So there is no alternative to the President's strategy in the nonbinding resolution that was filed.

Secondly, it would be dangerous. To pass a nonbinding resolution in the United States is for effect. What is the effect? Well, the effect theoretically is to try to get the President to change policy. This strategy isn't going to change in the near term. Troops are on the way. Al-Maliki made his commitment and is apparently making good on the commitment, so the new strategy is working out right now. So a nonbinding resolution passed in a week or two is not going to change this. Instead, its effect is a pernicious one. What kind of a message does it send, first of all, to our troops that Congress doesn't support what the President and they are trying to accomplish here; that the Congress thinks we should be going in some other direction, albeit there is no alternative being presented, just in a resolution of criticism? What kind of a message does it send to the allies that the President's policy is going to be undercut to the point that it will not be carried out, and therefore they better begin to hedge their bets? And most important, what message does it send to our enemies? Can they simply decide that in a matter of time, support for the President's policies will have diminished to the point that they won't have to concern themselves with this new strategy anymore if they can wait it out, and they will have an opportunity for success? So it is not going to work, No. 1, and secondly, it is dangerous.

That brings me to the third and final point. It seems to me that those people in favor of sending a message without presenting an alternative have an obligation to consider what will occur if the President's policy doesn't succeed.

Almost everybody recognizes that the Iraqi Army is not able to defend this country and create a peaceful stability in the country at this point.

So the question is: What would happen if we leave Iraq a failed state? Most agree, and the intelligence community has recently testified, that it would be disastrous, not only for the people in Iraq but for our allies in the region and for our long-term national security interests, both because of the ability of al-Qaida and other terrorists to consolidate their gains in the area and use that as a place from which to operate, and secondly, because all of the momentum we have gained in getting support, more or less, from countries such as Afghanistan, Pakistan, Saudi Arabia, Yemen, Egypt, Jordan—all of the countries in the region—that have helped in the war against the terrorists will switch the other way as they realize America will not stay in the fight, that they have to begin hedging their bets with the other powers in the region which include the sectarian killers and the terrorists.

What is the consequence of a failed Iraq? It seems to me that for those who present no alternative other than Iraq needs to get its act together and provide for its own security, a policy which I don't know of anyone who agrees would succeed at this point in time, if that is not going to succeed, then what is the consequence of a failed Iraq and what is the consequence of the President's strategy failing?

It all gets back to what I said in the beginning, and that is, it seems to me all Americans should want this strategy to succeed. Why would anyone want the strategy to fail? Just to prove a political point? That doesn't make sense when we have young men and women in harm's way and a lot riding on it not just for Iraqis but also for our national security. We should all want this strategy to work. We should do everything in our power to help make it work, and that begins by giving the plan a chance and not criticizing it before the strategy even has a few days to work out. That is why the possibility of a resolution, which is highly critical of the President's strategy and suggests a different course of action, a timeline for leaving, is the wrong strategy.

What is that alternative in terms of timeline? It simply reads as follows:

The United States should transfer under an appropriately expedited time line responsibility for internal security and halting sectarian violence in Iraq to the Government of Iraq and Government security forces.

That is the alternative, in an appropriately expedited timeline. That is no alternative at all. That doesn't direct anybody to provide for security in Iraq on any faster basis than we are already attempting. I have heard no one criticize our training of the Iraqi forces or finding or suggesting there is some other way to train them in a better way, in a faster way. It takes time. We are doing the best we can.

The general who was in charge of creating that program, General Petraeus, will be our general in charge again. I think, by all accounts, he did a terrific job of setting up the program. We know it takes a certain amount of time to train these Iraqi forces. We know the country is not in a position to defend itself at this point. Why would we want to set ourselves on a course to leave when we know they cannot defend themselves?

The truth is, for the time being, we are going to have to remain there to help secure the peace in Iraq, and that means we ought to give the President's policy a chance to succeed, and all of us hope it will succeed.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

IRAQ

Mr. DORGAN. Mr. President, my distinguished colleague from Arizona is speaking about a very important issue and one that we certainly will have a discussion about and a debate about in this Congress in the coming days, and that is as it should be. We are a democracy with divided branches of Government, separation of powers. We have a President, a legislative branch, a judicial branch, and there is a role here for the legislative branch.

My colleague suggested this was a circumstance where some were simply willing to criticize the President but offer no plan of their own. Then he subsequently said the resolution that some of my colleagues will offer in the Senate will advocate a different course of action. That is a plan, I guess, isn't it? If one advocates a different course of action than the President is advocating, it seems to me that is a plan.

I don't disagree with much of what those who have a different view would say about these issues. Most of us want peace in Iraq. We want the Iraqis to control their own destiny. We want the Iraqi troops to be sufficiently trained so they can provide their own security. We all share that goal. We all want our country to succeed in the missions.

Let me make one very important point. My colleague alluded to it in a way different than I would respond to it. During the debate on the floor of the Senate I don't think there will be a single Senator who stands up and in any way says he wants us to withdraw support for American troops. Speaking for myself—and I think for most other Senators, perhaps every other Senator—I think Members who serve in this Congress believe it is critically important to support our troops. When we send men and women in our uniform to go to war, we are obligated, it seems to me, to do everything to support them in their mission.

So this debate is not about whether we will support those troops whom we have asked to go to war in behalf of our country; we certainly will do that. The debate will be about the President's