

It is important to note that immigrants have an outstanding tradition of service in the military. There are currently 35,000 noncitizens serving in the military, and about 8,000 more enlist each year.

A recent study by the Center for Naval Analyses concluded:

Non-citizens have high rates of success while serving [in the military]—they are far more likely, for example, to fulfill their enlistment obligations than their U.S.-born counterparts.

The study also concluded that there are additional benefits to enlisting noncitizens. For example, noncitizens “are more diverse than citizen recruits—not just racially and ethnically, but also linguistically and culturally. This diversity is particularly valuable as the United States faces the challenges of the Global War on Terrorism.”

The DREAM Act is not just the right thing to do; it would be good for America. The DREAM Act would allow a generation of immigrant students with great potential and ambitions to contribute to the military and other sectors of American society.

The Pentagon recognizes that. We have worked closely with them on the DREAM Act.

Bill Carr, the Acting Undersecretary of Defense for Military Personnel Policy, recently said that the DREAM Act is “very appealing” to the military because it would apply to the “cream of the crop” of students. Mr. Carr concluded that the DREAM Act would be “good for [military] readiness.”

And last year, at a Senate Armed Services Committee hearing on the contributions of immigrants to the military, David Chu, the Undersecretary of Defense for Personnel and Readiness, testified as follows:

There are an estimated 50,000 to 65,000 undocumented alien young adults who entered the U.S. at an early age and graduate from high school each year, many of whom are bright, energetic and potentially interested in military service. They include many who have participated in high school Junior ROTC programs. Under current law, these young people are not eligible to enlist in the military. . . . Yet many of these young people may wish to join the military, and have the attributes needed—education, aptitude, fitness, and moral qualifications. . . . the DREAM Act would provide these young people the opportunity of serving the United States in uniform.

Military experts agree. Margaret Stock, a professor at the U.S. Military Academy at West Point, said:

Passage of the DREAM Act would be highly beneficial to the United States military. The DREAM Act promises to enlarge dramatically the pool of highly qualified recruits for the U.S. Armed Forces. . . . passage of this bill could well solve the Armed Forces’ enlisted recruiting woes.

Conservative military scholar Max Boot agrees. When asked about the DREAM Act, he said:

It’s a substantial pool of people and I think it’s crazy we are not tapping into it.

These experts are right. DREAM Act kids are ideal recruits: they are high

school graduates, they have good moral character, and they desperately want to serve this country. At the time when the military has been forced to lower its standards due to recruitment shortfalls, we should not underestimate the significance of these young people as a national security asset.

This is the choice the DREAM Act presents to us. We can allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society and national security, or we can relegate them to a future in the shadows, which would be a loss for all Americans.

Mr. President, I encourage my colleagues to consider the DREAM Act as an amendment to this Defense authorization bill as part of our national security. We will have a chance to debate it in its entirety, and I will return to it when we come back to this bill next week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I rise to speak for a while on the pending business before the Senate this past week and next week, which is the Defense authorization bill.

Now, constituents, people who have been watching the proceedings of the Senate for the last week, might be a little confused because if they know a little bit about how the Senate has historically done its business, they know the Defense authorization bill is the bill we adopt each year to set the policies and the spending priorities for the Defense Department to ensure our national security will remain strong for the next year.

However, this year, instead of talking about the acquisition of equipment we need, the new aegis cruisers we are going to be sending around the world—deploying to ensure we have a missile defense that is not only on land but on the seas—instead of talking about the space test bed—a research project that enables us, among other things, to find out how to deal with antisatellite weapons that the Chinese, for example, might use to destroy our satellites—or instead of talking about the need to increase the number of our military—primarily, our soldiers and marines—by about 90,000, so we have a more robust military to have boots on the ground anywhere in the world—instead of debating these various issues about our military posture, we have spent almost the entire week focused on what, the argument about the Iraq war.

Now, it is perfectly appropriate to debate issues relative to the war against terrorists. Certainly, the main battlefield in that war against terrorists today is Iraq. But it seems to me our focus is a little off when, instead of looking at the things we could do to make the United States more secure—by focusing on this Defense authoriza-

tion bill and the specific elements of it—we are, instead, focusing on arguments about how quickly to withdraw from Iraq.

We have in place a new strategy in Iraq. At the end of last year, after the election, when Secretary Rumsfeld left his position as Secretary of Defense, the President said: All right, I believe we have not had a successful strategy, and we are going to have a new strategy.

That strategy was announced in January, sometimes called the surge. But what it involved was a combination of involving Iraqis more in the defense and securing of their country and the application of a very focused U.S. force of increased strength in specific areas of the country, not just to take those areas but to hold them once they were taken.

In the past, we would move into an area, we would clear it of the enemy, and then, after a few days, we would leave. What happened? The enemy would filter right back into the same areas, sometimes establishing an even stronger presence than they had before.

That, obviously, did not work, and the President realized it. Everybody in the country said: The election results show you need to have a new strategy. So the President, working with the Iraqis, working with General Petraeus—David Petraeus was confirmed unanimously by the Senate to go over and develop and execute a new strategy. Working with them, the President devised this new strategy of taking and holding the key areas of Iraq so peace and stability could be brought to that war-torn country. The opportunity for the Government then to grab hold of the situation and do the things it needs to do would be given full effect.

That strategy counted on five new brigades of U.S. forces, consisting of over 25,000 on-the-ground servicemen, going in to join with about twice as many Iraqi Army and police units to effectuate this strategy of clearing and holding and maintaining control that I mentioned before.

That strategy, finally, about 2 weeks ago, has been put in full force, with the arrival of the last of the five brigades. They have gone into both Anbar Province, which is almost a third of the country of Iraq, largely controlled by—it is called a Sunni area, and largely controlled by tribal leaders—and into Baghdad, which is, obviously, the primary population center of the country, where a lot of the previous Shiite and Sunni conflict was occurring.

What have we seen in the debate over the Defense authorization bill? We have seen attempt after attempt after attempt from the other side of the aisle to declare the war lost, the strategy a failure, and, therefore, a commitment by the Senate to direct the President to begin bringing the troops home.

Next Tuesday—I believe it is Tuesday—we will actually vote on an

amendment that has as its specific directive a mandate that we begin bringing the troops home within a very specific time—I believe it is 120 days now—and that withdrawal be complete within roughly a year—again, I have forgotten the exact date—clearly, predicated on the notion that we have either lost or cannot win, that there is no point in allowing this new strategy to play out to see whether it can succeed, and to tell the entire world we are leaving Iraq.

Now, they put a little pink ribbon around it and said: Oh, we will leave some forces over the horizon so we can ride to the rescue if anything bad happens—as if there is not a clear common understanding that a lot bad will, of course, happen or the need to maintain some presence to help train Iraqi troops.

I ask unanimous consent to have printed in the RECORD an article by Stephen Biddle dated July 11 that was carried in the Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, July 11, 2007]

IRAQ: GO DEEP OR GET OUT
(By Stephen Biddle)

The president's shaky political consensus for the surge in Iraq is in danger of collapsing after the recent defections of prominent Senate Republicans such as Richard Lugar (Ind.), Pete Domenici (N.M.) and George Voinovich (Ohio). But this growing opposition to the surge has not yet translated into support for outright withdrawal—few lawmakers are comfortable with abandoning Iraq or admitting defeat. The result has been a search for some kind of politically moderate “Plan B” that would split the difference between surge and withdrawal.

The problem is that these politics do not fit the military reality of Iraq. Many would like to reduce the U.S. commitment to something like half of today's troop presence there. But it is much harder to find a mission for the remaining 60,000 to 80,000 soldiers that makes any sense militarily.

Perhaps the most popular centrist option today is drawn from the Baker-Hamilton commission recommendations of last December. This would withdraw U.S. combat brigades, shift the American mission to one of training and supporting the Iraqi security forces, and cut total U.S. troop levels in the country by about half. This idea is at the heart of the proposed legislative effort that Domenici threw his support behind last week, and support is growing on both sides of the aisle on Capitol Hill.

The politics make sense, but the compromise leaves us with an untenable military mission. Without a major U.S. combat effort to keep the violence down, the American training effort would face challenges even bigger than those our troops are confronting today. An ineffective training effort would leave tens of thousands of American trainers, advisers and supporting troops exposed to that violence in the meantime. The net result is likely to be continued U.S. casualties with little positive effect on Iraq's ongoing civil war.

The American combat presence in Iraq is insufficient to end the violence but does cap its intensity. If we draw down that combat presence, violence will rise accordingly. To be effective, embedded trainers and advisers must live and operate with the Iraqi soldiers

they mentor—they are not lecturers sequestered in some safe classroom. The greater the violence, the riskier their jobs and the heavier their losses.

That violence reduces their ability to succeed as trainers. There are many barriers to an effective Iraqi security force. But the toughest is sectarian factionalism. Iraq is in the midst of a civil war in which all Iraqis are increasingly forced to take sides for their own survival. Iraq's security forces are necessarily drawn from the same populations that are being pulled apart into factions. No military can be hermetically sealed off from its society—the more severe the sectarian violence, the deeper the divisions in Iraqi society become and the harder it is for Americans to create the kind of disinterested nationalist security force that could stabilize Iraq. Under the best conditions, it is unrealistic to expect a satisfactory Iraqi security force anytime soon, and the more severe the violence, the worse the prospects.

The result is a vicious cycle. The more we shift out of combat missions and into training, the harder we make the trainers' job and the more exposed they become. It is unrealistic to expect that we can pull back to some safe yet productive mission of training but not fighting—this would be neither safe nor productive.

If the surge is unacceptable, the better option is to cut our losses and withdraw altogether. In fact, the substantive case for either extreme—surge or outright withdrawal—is stronger than for any policy between. The surge is a long-shot gamble. But middle-ground options leave us with the worst of both worlds: continuing casualties but even less chance of stability in exchange. Moderation and centrism are normally the right instincts in American politics, and many lawmakers in both parties desperately want to find a workable middle ground on Iraq. But while the politics are right, the military logic is not.

Mr. KYL. The reason I want to put this article in the RECORD is that it very clearly points out the problem with the strategy of many of the Democrats that I have just outlined, including the notion that somehow you could reduce our forces by perhaps half or more and still achieve this goal of defeating al-Qaida and training up the Iraqi units.

One of Biddle's key points is that the only way you can successfully train up these Iraqi units is having relative stability in the country, that if you have an out-of-control war going on, you have to be fighting that war, and it is very difficult to at the same time be training up these forces. The best way to train the Iraqi military is to work in conjunction with U.S. units, as General Petraeus has devised, go into an area, clear it, and then leave primarily Iraqi units behind to continue to maintain control in the area. But if you have constant fighting and you haven't been able to clear or hold the area, those Iraqi troops never have that opportunity or the experience of holding the area.

So, as Mr. Biddle points out, you can't have it both ways. This compromise may satisfy some political requirements back home, but it is totally unworkable in the place where it matters, and that is in Iraq. You can't withdraw half or more of the troops quickly and have any chance of success

in maintaining peace and stability and in helping to train up the Iraqi forces.

So why are people in the Senate focused on bringing the troops home or otherwise micromanaging the way the President deploys the units to achieve the mission's objectives? Well, it is either one of two things. Now, from outside this body, I know there are a lot of people who have a motive of trying to make the President look bad and undercutting his authority and undermining the strategy he is following, I gather both for partisan reasons and because they just don't think it can work. But within the body, here in the Chamber, I know my colleagues do not want any American life to have been lost in vain and that they treasure every life that has been put on the line. That is why it is troublesome to me to have to defeat amendments which have as their core point undercutting the President's authority, micromanaging the war from the Congress, and specifically calling for early withdrawal, and by early I mean before the surge has even had an opportunity to play out.

In that regard, I would like to place in the RECORD a piece that was carried this morning in the Washington Post by Charles Krauthammer, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Jul. 13, 2007]

DESERTING PETRAEUS

(By Charles Krauthammer)

“The key to turning [Anbar] around was the shift in allegiance by tribal sheiks. But the sheiks turned only after a prolonged offensive by American and Iraqi forces, starting in November, that put al-Qaeda groups on the run.”—The New York Times, July 8.

Finally, after four terribly long years, we know what works. Or what can work. A year ago, a confidential Marine intelligence report declared Anbar province (which comprises about a third of Iraq's territory) lost to al-Qaeda. Now, in what the Times's John Burns calls an “astounding success,” the tribal sheiks have joined our side and committed large numbers of fighters that, in concert with American and Iraqi forces, have largely driven out al-Qaeda and turned its former stronghold of Ramadi into one of the most secure cities in Iraq.

It began with a U.S.-led offensive that killed or wounded more than 200 enemy fighters and captured 600. Most important was the follow-up. Not a retreat back to American bases but the setting up of small posts within the population that, together with the Iraqi national and tribal forces, have brought relative stability to Anbar.

The same has started happening in many of the Sunni areas around Baghdad, including Diyala province—just a year ago considered as lost as Anbar—where, for example, the Sunni insurgent 1920 Revolution Brigades has turned against al-Qaeda and joined the fight on the side of U.S. and Iraqi government forces.

We don't yet know if this strategy will work in mixed Sunni-Shiite neighborhoods. Nor can we be certain that this cooperation between essentially Sunni tribal forces and an essentially Shiite central government can endure. But what cannot be said—although it is now heard daily in Washington—is that

the surge, which is shorthand for Gen. David Petraeus's new counterinsurgency strategy, has failed. The tragedy is that, just as a working strategy has been found, some Republicans in the Senate have lost heart and want to pull the plug.

It is understandable that Sens. LUGAR, VOINOVICH, DOMENICI, SNOWE and WARNER may no longer trust President Bush's judgment when he tells them to wait until Petraeus reports in September. What is not understandable is the vote of no confidence they are passing on Petraeus. These are the same senators who sent him back to Iraq by an 81 to 0 vote to institute his new counterinsurgency strategy.

A month ago, Petraeus was asked whether we could still win in Iraq. The general, who had recently attended two memorial services for soldiers lost under his command, replied that if he thought he could not succeed he would not be risking the life of a single soldier.

Just this week, Petraeus said that the one thing he needs more than anything else is time. To cut off Petraeus's plan just as it is beginning—the last surge troops arrived only last month—on the assumption that we cannot succeed is to declare Petraeus either deluded or dishonorable. Deluded in that, as the best-positioned American in Baghdad, he still believes we can succeed. Or dishonorable in pretending to believe in victory and sending soldiers to die in what he really knows is an already failed strategy.

That's the logic of the wobbly Republicans' position. But rather than lay it on Petraeus, they prefer to lay it on Prime Minister Nouri al-Maliki and point out his government's inability to meet the required political "benchmarks." As a longtime critic of the Maliki government, I agree that it has proved itself incapable of passing laws important for long-term national reconciliation.

But first comes the short term. And right now we have the chance to continue to isolate al-Qaeda and, province by province, deny it the Sunni sea in which it swims. A year ago, it appeared that the only way to win back the Sunnis and neutralize the extremists was with great national compacts about oil and power sharing. But Anbar has unexpectedly shown that even without these constitutional settlements, the insurgency can be neutralized and al-Qaeda defeated at the local and provincial levels with a new and robust counterinsurgency strategy.

The costs are heartbreakingly high—increased American casualties as the enemy is engaged and spectacular suicide bombings designed to terrify Iraqis and demoralize Americans. But the stakes are extremely high as well.

In the long run, agreements on oil, federalism and de-Baathification are crucial for stabilizing Iraq. But their absence at this moment is not a reason to give up in despair, now that we finally have a counterinsurgency strategy in place that is showing success against the one enemy—al-Qaeda—that both critics and supporters of the war maintain must be fought everywhere and at all cost.

Mr. KYL. Mr. President, what Charles Krauthammer, who is a very knowledgeable analyst and writer on this subject, has said is that the Petraeus plan has the makings of a successful strategy, it has already begun to show some positive results, and that it would be folly to declare it a failure before it even has a chance to play out.

Everybody knows General Petraeus is going to report back to the Congress

and to the President in September of this year, and he will be accompanied by Ambassador Crocker, our Ambassador to Iraq, who will give us a report on the status of the situation. Now, it has never been contemplated that that is the end of the matter by any stretch of the imagination since it will have only been a few months since the strategy will have been in place, but at least he can give us an idea of how it is working. Why anybody would want to set a different course now, before he gives that report, is beyond me and certainly beyond Charles Krauthammer.

Krauthammer points out that this new strategy has already begun to show success. For example, in the Anbar Province, which was an area that was almost exclusively controlled by al-Qaeda—let me digress for just a moment to make this point. We heard discussions several months ago about a civil war in Iraq. It is true, there were elements of Sunni and Shiite Iraqis who were fighting each other, and some were calling that a civil war. But two things are important to know about that.

The first is that much of that fighting was instigated by al-Qaeda. Al-Qaeda had come into the Sunni areas and had a declared intention to start a fight between the Shiites and the Sunnis. When the fight didn't materialize, al-Qaeda went to Samarra, a holy place for Shiites, and blew up one of their most revered shrines, the Golden Mosque. In fact, it has been twice attacked, thus, in effect, poking the nose of the bear to the point that the bear had to react, and the Shiites did react. They said: If the Iraqi Army cannot protect our holy sites, by golly, we will—or whatever the Iraqi phrase is—and they created militias that began attacking Sunnis, and we did have a lot of Shiite on Sunni and vice versa violence. But the first point is it was largely instigated by al-Qaeda, who knew precisely what it was doing and had a declared strategy to begin that fight. We have the intelligence to demonstrate that.

The second point is that al-Qaeda, since that violence has to some extent now subsided because of the surge—we have gone into these Shiite neighborhoods, for example, and we have persuaded the Shiite leadership to stop the militias from acting, stop the violence, and calm the neighborhoods down so that life can return to normal, and in at least half of Baghdad that has now been what is occurring.

In the Sunni areas, we went to the tribal leaders there and said: Look, al-Qaeda is causing you more problems than it is solving. Eventually, these tribal leaders came back to our troops and to the Iraqi leadership and said: You are right. We have now seen what life under al-Qaeda would be like as a Taliban kind of rule, where they don't let us do anything; they impose this very harsh penalty on anybody who isn't conforming to their way of life.

Most of the al-Qaida are coming into Iraq from other countries. They are foreigners to the Iraqis, and many of these tribal sheiks, almost all of them in the Anbar Province, said: We are tired of dealing with these al-Qaida terrorists, and we want to join you in fighting them. By the hundreds and thousands, young Iraqis began joining the police and army to fight al-Qaida. And Anbar Province now, as Charles Krauthammer details in his article and as our intelligence has also made very clear, has become one of the strongest anti-al-Qaida areas in the country. It has largely been pacified. It is a good example of how this new strategy can work.

What Krauthammer says is: We don't know yet if this same strategy will work in the next Sunni-Shiite areas, but we can see how it has worked and how it could work if we allow time for the Petraeus plan to play out. He points out that a month ago, Petraeus was asked whether we could still win in Iraq. I am going to quote here:

The General, who had recently attended two memorial services for soldiers lost under his command, replied that if he thought he could not succeed, he would not be risking the life of a single soldier.

That is a very important concept for us to remember back here because when people talk about supporting the troops, it seems to me the first type of support we should be providing is the moral support for these soldiers, to support their mission, not only to provide everything they need in terms of material support and training but to assure them they are not risking their lives in vain, that we will continue to support the mission we have sent them on that they think they can win and believe they are winning. The worst thing we could do is to have expressions here in the Senate that we think they have lost or that they can't win, and therefore we want to begin declaring defeat and leaving the battlefield. At that point, as it was back in Vietnam, it becomes a question of who is the last man out and who is the last person to risk death, for what? For a timetable? That cannot be why we send young men and women into combat, into harm's way.

For those who believe it is already lost or that it is a failure and that we cannot succeed, I say to them, you have an obligation, then, to try to bring them home immediately because not 1 more day should pass for people to risk life for nothing more than a timetable. I don't happen to believe that. General Petraeus doesn't happen to believe that. I believe we can allow the Petraeus plan to have the time it needs to show that it can succeed, not just in Anbar Province but in other places in Iraq as well.

Let me quote another couple of sentences from Krauthammer's article:

Just this week Petraeus said that the one thing he needs more than anything else is time. To cut off Petraeus's plan just as it is beginning—

Krauthammer says—

the last surge troops arrived only last month—on the assumption that we cannot succeed is to declare Petraeus either deluded or dishonorable.

Well, he is clearly not deluded or dishonorable.

I regret that some of my colleagues believe the only way to resolve the situation in Iraq is to begin leaving now. That would be a strategy for failure.

I ask my colleagues this: We have in this body made pronouncements that we need to help people in places such as Darfur where there is genocide occurring, and we have always tried to help people, whether it be in Kosovo or Afghanistan or—and incidentally, isn't it interesting that in two of those places, we are talking about largely Muslim countries, and in places such as Somalia, also a predominance of Muslims—we cannot as a nation ignore what would happen in Iraq were we to leave prematurely. Almost all of the intelligence in the Baker-Hamilton report which is cited by many of my colleagues confirms this as well, acknowledges that if we leave Iraq before the Iraqis can maintain peace and stability, the kind of genocide and killing and terrorism that would ensue would be almost incalculable. Thousands, if not hundreds of thousands and more, would die. Many believe that blood would be on our hands if we are the ones who walk out before they have the ability to prevent that kind of violence.

Al-Qaida clearly is the primary enemy now. As I talked about before, the largely Shiite-Sunni violence has subsided to a significant degree, and most of what is occurring against our forces and against other Iraqis today is being perpetrated by al-Qaida—Al-Qaida in Iraq. If we leave and al-Qaida in Iraq is allowed basically a free hand, most predict that it will have created a situation where, like it did in Afghanistan, al-Qaida will have the ability to train, to plan attacks, and to have refuge from any kind of action to stop them from doing so. They would also have access to the oil wealth of the country of Iraq and to the other resources of the country. To the extent that anybody in Iraq has tried to be a friend of the United States or cooperate with the Iraqi Government—all of those people, remember, with the purple thumbs—would be targeted by the thugs and terrorists who would reign in Iraq. They would undoubtedly be executed.

Think of Saddam Hussein's regime. Think back when the North Vietnamese came sweeping into South Vietnam and all of the boat people fled and those who didn't get away were sent to the "reeducation camps" or killed. Think of Cambodia, when we left there with 3 million Cambodians killed.

Were we to leave Iraq, hundreds of thousands, if not millions, of people will die—largely innocent people. That blood will be on our hands.

Mr. President, that is not the worst of it. The U.S. security will have been significantly jeopardized because we will have ceded the central battle in the war against the terrorists to the terrorists. We will have been defeated by the terrorists, much more than their sneak attack on September 11 defeated us. It killed 3,000 Americans. It was, like Pearl Harbor, the attack that awoke the "sleeping giant" to finally recognize that after having been attacked, I believe, six times previously by al-Qaida, we finally realized we are in a war with those people. Whether we want to fight or not, they are going to attack us, and we better fight back.

We began to do that. I fear that there is a tiredness beginning to seep into some around the world—and even among some Americans—in fighting this enemy that is very elusive and generally doesn't fight us on the battlefield but, rather, waits and waits and, as soon as we relax, engages in a sneak attack. They have tried to do it against our allies. They have done it in Great Britain and in Spain, for example. Other activities have been thwarted. We have been fortunate because our homeland security has thwarted those attacks here at home.

We are not always going to have a battlefield on which to confront them. What confuses me is the argument of some of my colleagues that we should cede the one place where they have directly confronted us on the battlefield in Iraq—cede that battle to the enemy by prematurely withdrawing our troops and somehow reconfiguring our effort to fight them in a different way at a different place. The argument that, if we leave Iraq, we can focus on them in Afghanistan is a false choice. We are fighting them in both places. If we need more elements of support in Afghanistan, then we should send them there. That is supposed to be a NATO exercise, and a lot of our NATO friends could be doing more there to help us. I think we could use more help there.

It is a false argument to say we should not fight them in both places, when the enemy has finally come out onto the battlefield and is confronting us in the one area where we can defeat them with the U.S. military. Nobody can beat our military, the best military in the world and that has ever existed. Al-Qaida is no match for our military. When they are willing to basically come out of their holes and confront us in Iraq, for us not to directly attack, kill, or capture as many of them as possible would be the ultimate in negligence and fecklessness in fighting the war against terrorists. They are the terrorists; they are there. We are able to kill them there. Why we would not engage the enemy in the place where there are the most of them is beyond me.

Now, what that means is that we are putting our young men and women in harm's way. They have volunteered for this mission in which they believe deeply because they have looked into

the eye of the enemy and have seen the evil that is there, and they have been willing to lay their lives on the line. Given that fact, and given the fact that we have a brilliant commander with a strategy that appears to be working, why would the United States Congress pull the rug out from under the operation of General Petraeus and our troops when they have their hands around the neck of the enemy and can deal a very severe blow to this evil enemy? That is beyond my comprehension. It takes nothing from the argument that we should be engaged in intelligence operations around the world, that we should be trying our best to get Osama bin Laden, and their argument suggests that somehow we are not. That denigrates the efforts of our special forces and others who, believe me, are trying their very best to get this guy and the other leadership of al-Qaida. But to somehow suggest that we should leave Iraq because the enemy exists in other places is not only totally illogical but, as I said, would be a very feckless approach in trying to win this war against the terrorists.

Another thing that bothers me relates directly to the bill we are debating. We are going to see it next week, and we saw it this morning. It is the notion that has begun to creep into the discussion that maybe this is not really a war at all. One of the candidates for President called this just a bumper sticker. Well, their effort to make this a criminal enterprise—in other words, to criminalize the war rather than treat it as the war that it is—is very troublesome to me.

This morning, we had an amendment that was drafted to provide that instead of a \$25 million reward to get Osama bin Laden, it upped it to \$50 million for the capture or information leading to the capture of Osama bin Laden.

Mr. President, I was not aware there was a limit on time.

The PRESIDING OFFICER. There is a 10-minute time limit on morning business.

Mr. KYL. Mr. President, I ask unanimous consent to speak for 5 more minutes.

Mr. BROWNBACK. Mr. President, how much time is left in total?

The PRESIDING OFFICER. There is a 10-minute limitation on each speaker, and if it is not objected to, the Senator may continue to speak.

Mr. KYL. I wasn't aware that Senator BROWNBACK was here. I ask unanimous consent to speak for another 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, this amendment was drafted to provide money for the capture or information leading to the capture of Osama bin Laden. Senator SUNUNU and others looked at that and said: Wait a minute, this is a war. It may well occur that we cannot just capture him, he may have to be killed. So we added the words "or death" to

the amendment by a second-degree amendment. That was adopted this morning.

Next week, we are going to get right back to the argument about criminalization versus war. There is in the bill—and we are going to have to strike the language with an amendment—language that requires us to send lawyers over to Iraq and Afghanistan to represent these terrorists we capture on the battlefield. We would have to give them legal representation in theater, and we would have to show them classified information that may be used in their prosecution or continued detention.

Mr. President, I have said that is nuts. I hate to use that kind of a phrase on the Senate floor, but I don't think it represents good policy. We are going to have to strike that language from the bill. That is criminalization of the war. This is a war against evil people who will kill us if they can. The sooner we recognize that fact and deal with them, the sooner we will defeat the enemy, and the enemy will no longer represent a threat to us. We cannot assume they don't really mean it. We cannot assume we can negotiate with them. We cannot treat them as if they are defendants in an American criminal trial. They are evil terrorists who deserve to be dealt with on the battlefield, as we have dealt with, historically, all of our enemies.

So I hope that next week we can turn from some of the amendments that have been used here to primarily undercut the strategy in dealing with the Iraq war and debate some key provisions of the Defense authorization bill, which do need our attention—I have a couple of amendments I hope we can deal with—and that we can also strike from the bill the provision that would allow a new theory of criminal law to intrude into the battlefield to deal with the POWs or detainees there as if they are criminal defendants in an American court rather than the POWs or enemy detainees that, in fact, they are.

I hope at the conclusion of the debate next week we will have continued to defeat these amendments that undercut our efforts in Iraq, continued to support the mission of the troops, and thereby the troops, and strengthened the Defense authorization bill so that for the next year we will have a bill that strongly supports the troops and provides for the national security of the United States of America.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to make a few comments. I appreciate the Chair staying here and facilitating this and allowing us to speak about a very important issue—the key issue of our time—the war in Iraq and what is taking place there.

I want to focus my brief comments on what we need to do on a political solution. I think we are caught up with the idea that we need to be on a mili-

tary solution. A military solution is not going to ultimately solve the situation in Iraq. You have to have a political, durable solution. Unless we are willing to sit there for an indefinite number of years with troops engaged in a very active military setting, we have to get a political, durable situation in Iraq and on the ground if we are going to be realistic about what we are going to do.

I have worked with Senator BIDEN on this proposal. I will talk about a resolution that we have worked together on for a political solution. He chairs the Foreign Relations Committee. I have been on that committee for a number of years. I think we have to realign the population we are dealing with. The situation is not dissimilar, in some respects, to when we saw what took place in the former Yugoslavia. We had a number of different populations where history had washed over that place with different waves of different individuals' thoughts and philosophies. After Tito leaves and you take off this big military apparatus and intelligence apparatus that was willing to kill people to enforce power, you are left with sectarian groups that don't get along. Now Yugoslav has six countries in two autonomous regions after hundreds of thousands of people were killed and multiple sets of civil wars that took place. I think that is instructive from the standpoint of that is what takes place when you take a big military apparatus off of areas where you have nonuniform or a homogenous region. We are seeing this in Sudan. You have in Sudan a north dominated by Arab and Muslim and a south that is Black and Christian, by and large. They don't get along. There were 2 million killed in the south. The south is going to secede. You have genocide in Darfur by this government—a militant Islamic regime in Khartoum. The world is growing in awareness of what is taking place in Darfur.

I think we have to recognize the situation in Iraq and that you have several different populations. The Kurdish population is separate and distinct and operating in its own area and doing a nice job. There is growth taking place there—not everywhere, but it is doing pretty well. You have a mixed Sunni and Shia population in the rest of the country—dominant Sunni in some areas and dominant Shia in others, and Baghdad is a mixed federal city. I think we have to look at that situation and recognize the mixture and the combustibility of that mixture and get to a more durable political solution.

You are seeing now an ongoing migration of Iraqis inside their own country, which I think suggests Iraq will eventually do what would be called a soft partition. That is the logical thing that would take place, and it is taking place today. There is an outcome of many historical precedents—most notably in Bosnia in the 1990s. Senator BIDEN and I introduced a resolution calling on Iraqis to reach an agreement

that would formalize a federal system in Iraq consistent with their Constitution that would allow for Kurds, Sunnis, and Shia to manage their own affairs, with Baghdad remaining a federal capital city.

It is increasingly clear to me that we should start taking interim steps now to facilitate a three-state, one-country solution in Iraq. We should begin by acknowledging that many Iraqis whose lives are threatened because of their sectarian affiliation are on the move. More Iraqis are facing sectarian violence and are considering moving. As tragic as these movements seem now, they are preferable to the mass migration that would occur if Iraq were to implode.

There are steps we can take now to ease the process of internal migration. We can start by authorizing our commanders on the ground to help families who express a desire to relocate to areas where they would join a sectarian majority. Relocating families will require secure passage to safer areas and reliance probably on economic assistance to reestablish them. Those who wish to relocate should be assisted in this fashion.

I don't expect that the Iraqi people will create three completely homogeneous regions. In fact, the level of Sunni and Shia marriage would preclude such an outcome. We should be attentive to those who believe security is enhanced by moving out of mixed neighborhoods, where they do not face the danger of sectarian violence.

Indeed, there was reporting of people swapping houses who were Sunni in a dominant Shia area, and Shia in a dominant Sunni area, so they would feel more secure after one of their families had been killed or kidnapped. I think that makes sense. As populations continue to move, we also need to take steps to avert other aspects of an implosion. We need to ensure that the Kurdish region, which has been a bedrock of stability to this point, remains a stable area. Turkey is rightly concerned about the threat of terrorism coming from across the Iraqi border. We need to reassure them, and we should bolster counterterrorism capabilities of Iraqi forces deployed in that region—much as we have done in Georgia and in other nations where terrorists tried to establish a safe haven and destabilize their region. Our military strategy certainly depends on a stable Kurdish region. Our political vision of Iraq also requires the Kurdish area to remain strong, and I hope we can move quickly to address terrorism issues there.

There are other steps we should take to prepare Iraq for a federal political settlement. We must take additional steps to secure the Iraq-Iranian border, which would be of great benefit to the troops executing the surge, as well as mitigate any attempt Iran might make or thinks that it has to exploit a future three-state, federal version of Iraq.

Last, we should place new emphasis on local and provincial elections in Iraq.

I raise these issues because I do not believe we can precipitously pull out of Iraq, nor should we. But I think we have to recognize the situation on the ground for what it is and facilitate it before we see more mass sectarian violence taking place. We can do this and, in a civil fashion, save lives. That is what this is about. It is about saving lives.

We have seen this play before. We have seen it recently in Yugoslavia. We are seeing it today in Sudan. Why can't we see this and say we are going to save lives by facilitating this rather than creating a combustible situation that blows up on us later. This is consistent with the Iraqi Constitution. It is a more robust political solution which matches our need militarily on the ground.

I finally, say, Mr. President, I have traveled the country a lot. I hear a number of people out there. They don't want to lose in Iraq, but they don't see us on a track to win. What they are after is us coming together here to provide that solution of how we can win. What I am talking about is a political solution that is as aggressive as our military solution. The military gives us space for the political side to act. But we have to get it moving, and that is a situation where we can win and we can go to the American people and say we are on track to win and be able to pull our forces from the frontlines and reduce the death loss we are experiencing as a country, that my State is experiencing, that the Big Red One stationed at Fort Riley, KS, is experiencing.

We can do this. We need to show some foresight and bipartisanship to get it done. That is why I call, along with my colleague, Senator BIDEN, for this proposal, and I urge other colleagues to join us as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

SUBMISSION OF AMENDMENT TO H.R. 1585

Mr. WARNER. Mr. President, on behalf of myself and Senator LUGAR, I send to the desk an amendment to H.R. 1585.

The PRESIDING OFFICER. The amendment is considered submitted.

EFFORTS TO STALL PROGRESS

Mr. LEAHY. Mr. President, I would like to outline some of the legislative activities of the Senate Judiciary Committee.

Some would rather pick fights about controversial judicial nominees. The disappointing decisions from this year's Supreme Court term remind us that this President has been quite successful in moving the Federal courts to the right. This President has not only

appointed two members of the Supreme Court but has also already appointed almost one-third of the 871-member Federal judiciary. When the appointments of his father and other Republican Presidents are considered, more than two-thirds of all current Federal judges were appointed by Republican Presidents.

Of course, the Judiciary Committee has been engaged in oversight efforts this year with regard to the U.S. attorney scandal and other examples of White House interference with Federal law enforcement. Despite the attitude of the current administration, our Constitution does not include the phrase "unitary executive" or "executive privilege." What the U.S. Constitution does provide in the oath of office is that the President must swear to "faithfully execute the Office of President of the United States" and "preserve, protect and defend the Constitution of the United States." His essential duties require him to "take care that the Laws be faithfully executed." I have great concern with regard to how this administration is fulfilling those essential duties. The political intrusion into the law enforcement functions of the Government through the scheme to fire and replace our U.S. attorneys is most troubling.

The recent decision to override a prosecution, jury trial, conviction and prison sentence for one of his aides, to excuse his lying to Federal investigators and a grand jury and his perjury, and to reward his silence and purportedly bad memory seems an abuse of the constitutional pardon power. The lack of accountability for anyone in the Bush administration has reached new heights—or depths.

The secret determination to ignore our surveillance laws and engage in years of warrantless wiretapping of Americans is another instance we are investigating that appears at odds with the Constitution's directive to "take care that the Laws be faithfully executed" and that the liberties of the American people secured by the Constitution be protected.

While our oversight efforts have taken a good deal of time and effort, we have simultaneously succeeded in an ambitious legislative agenda. That is what I would like to focus on for a few minutes. While the committee has been productive in reporting a number of bipartisan measures to the Senate, Republican holds have to date been blocking Senate action on these measures.

Republican holds and filibusters have not been limited to obstructing our efforts to support our troops, rebuild our National Guard, and bring an end to the failed policies that have led to the deaths of so many in a civil war in Iraq.

Let me mention a few examples of beneficial legislation that are being stalled, as well:

We just observed the 41st anniversary of the Freedom of Information Act

"FOIA" on July 4. An important bipartisan FOIA reform measure—the Openness Promotes Effectiveness in our National Government Act, the OPEN Government Act, S. 849,—was favorably reported in April. Its consideration has been blocked by a Republican objection.

The OPEN Government Act promotes and enhances the public disclosure of government information pursuant to FOIA. This legislation will also provide much-needed reforms to strengthen FOIA by, among other things, helping Americans to obtain timely responses to their FOIA requests and improving transparency in the Federal Government's FOIA process.

This bill is cosponsored by a bipartisan group of 14 Senators, including my lead Republican cosponsor Senator CORNYN. The OPEN Government Act is also supported by more than 115 open government, business and news media organizations from across the political and ideological spectrum, including, the American Library Association, the U.S. Chamber of Commerce, OpenTheGovernment.org, Public Citizen, the Republican Liberty Caucus, the Sunshine in Government Initiative and the Vermont Press Association.

The passage and enactment of this important FOIA reform legislation will improve government transparency and openness for all Americans. The bill has now been stalled by Republican objection for several weeks.

A second measure the committee reported months ago that has been stalled by unspecified objection from the other side of the aisle is The War Profiteering Prevention Act of 2007, S. 119. This bill provides a significant new tool for Federal law enforcement to combat the scourge of war profiteering, which is needed now more than ever given the ongoing reports of rampant fraud, waste, and abuse in Iraq and Afghanistan. The bill now has the support of Senator SESSIONS, after being modified to eliminate potential objections to specific language in the bill and we have circulated an amendment to combine it with the Sessions-Landrieu Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, S. 863, to be a legislative package that should win overwhelming bipartisan Senate support. Passage of this measure is long overdue and is being blocked by unspecified Republican objection.

A third measure that the Judiciary Committee unanimously reported was the Emmett Till Unsolved Civil Rights Crimes Act, S. 535. This is a good bill, authored by Senator DODD and Representative JOHN LEWIS in the House. The Senate bill and Senate consideration of the House-passed companion measure have been blocked by yet another Republican objection.

These are just three examples of matters currently being delayed and obstructed by unspecified objection from the other side of the aisle. The American people may begin to see a pattern.