

On July 12 the President issued a report as required by the fiscal year 2007 Supplemental Appropriations bill assessing the progress of the sovereign government of Iraq's performance in achieving the benchmarks detailed in the bill. As we know, this report told us that 8 of the 18 benchmarks detailed in that bill received satisfactory marks. While we are certainly disappointed that more benchmarks were not achieved, it is important to highlight the success that is being made, and how the Iraqi government is performing, as their success will ultimately allow us to responsibly reduce our troop levels.

Specifically, the government of Iraq has made progress in forming a Constitutional Review Committee to review the constitution. This is important, just like in our Nation's history; we needed to create a constitution that provided a standard for which to base our laws. Though many contentious issues continue to exist, I am pleased that significant progress is being made. If Iraq cannot form their constitution, then it will be very difficult or impossible to move forward onto other matters.

Also, the Iraqis have satisfied the requirements set forth to enact and implement legislation forming semi-autonomous regions. This law is set to come into effect in 18 months, but thus far this potentially very contentious issue has not received much attention. This is important as it further organizes and equips Iraq to take on the responsibilities of a democratic government and this benchmark furthers the necessary groundwork needed to build a responsible and legitimate government.

Iraq has made progress to ensure the rights of minor political parties within the legislature and maintain that their rights are protected. Clearly this is important in obtaining legitimacy, particularly given the historical and present conflicts between the Sunnis, Shia, and Kurds.

On the security front, the Iraqis, with coalition support, have successfully reached benchmarks establishing joint security stations across Baghdad that provide a continuous security presence. These stations are necessary as they can effectively combine American technology and capabilities with the Iraqi presence on the ground in order to counter insurgent threats where they begin. By mid-June, 32 joint security stations have reached initial operational capability and 36 combat outposts have reached initial or full capacity.

Also, the goal of providing three trained and ready Iraqi brigades in support of Baghdad operations has been achieved and this complements the recommendations of the Iraq Study Group. Certainly this is a major priority as the development of a functional and effective Iraqi fighting and security force is absolutely essential for the Iraqis to further take the reins

of their government, and I am pleased that these goals are being accomplished thus far.

At the beginning of this year, the President changed the focus of this effort. Decisions were made for a new direction. ADM William Fallon was placed in charge as CENTCOM commander and the Senate unanimously confirmed GEN David Petraeus as the new commander of our forces in Iraq. The much talked about, and much criticized, surge of 28,000 additional troops has only been underway for just about 3 weeks now.

Operation Phantom Thunder began on June 15 and already Iraq, and particularly Baghdad, is a much different place than it was only 6 months ago. U.S. forces have begun working closely with Iraqis to bring down sectarian violence of al-Qaida in country. So far the new counterinsurgency has decreased Shiite death squad activity and many militia leaders have been disposed of. Execution levels are at the lowest point in a year, and al-Qaida hotspots in the city are shrinking and becoming isolated from one another and supply lines are being cut around the city.

For the first time in years the U.S. is operating freely in eastern Baghdad as we are surrounding the villages and small towns around Baghdad routing out insurgent bases. Already, total car bombings and suicide attacks are down in May and June, and by the end of June, American troops controlled about 42 percent of the city's neighborhoods, up from 19 percent in April.

Initial military success certainly does not mean that operations are complete, nor is political victory guaranteed. The fact remains that this body unanimously confirmed GEN Petraeus with the knowledge that he planned to initiate this surge that would ideally route out al-Qaida and ultimately clear the path for internal change within Iraq. Again, the surge began on June 15 and we owe it to our troops who are placing their lives on the line not to pull the plug on them while they remain in harm's way.

Our best and brightest military minds have worked to construct this new strategy and we need to see it through. I would like to see our troops come home today, but the harsh reality remains that this is not a valid option, will not make us safer, and is not in our national interest. If we leave, it is naïve to think al-Qaida and our enemies will just go away and we will no longer be threatened.

Additionally, I have heard many of my colleagues discuss on the floor some of their new strategies in Iraq, strategies that I believe would weaken us at home and abroad. What I find curious is that they keep referring to finding a bipartisan resolution in Iraq, when only months ago this body overwhelmingly approved 2 new military commanders in the region and a new diplomatic leader in Ambassador Crocker. We also approved, in a bipar-

tisan manner, the new way forward in Iraq that President Bush eloquently defended this morning. In that vote, this body committed that we would allow the surge to go forward and would give GEN Petraeus the time to enact the strategy. I cannot in good conscience cut short a plan barely 3 months old.

As we all know, in September a complete review of Iraq policy, including a detailed assessment of the surge will be presented. I look forward to that assessment. I look forward to making the appropriate decisions based on that report. It would be disingenuous to simply discontinue the plans that our military leaders have planned and are putting into place simply for political gains.

Remarkably, the Senate is in a similar situation that we were only months ago when many in this body wanted to reject the strategy GEN Petraeus proposed in Iraq, even before he has been given the full opportunity to perform his mission. Well, we are at it again. For what reason did my colleagues agree to the new strategy in Iraq but are not willing to support our own self-imposed guidelines? I don't know the answer to that, but I do know that I will not. I will continue to vote against any legislation that sets arbitrary deadlines and thresholds in Iraq—and plead with my colleagues to do the same.

Let's not stand here this week and prejudge what will come out of the September 15 report, but more importantly, let's not prejudge the talents of our men and women in Iraq. Let's give our military and diplomatic teams the time they deserve, and which we had promised them.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1585, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Nelson (NE) (for Levin) amendment No. 2011, in the nature of a substitute.

Levin amendment No. 2087 (to amendment No. 2011), to provide for a reduction and transition of United States forces in Iraq.

Reed amendment No. 2088 (to amendment No. 2087), to change the enactment date.

Cornyn amendment No. 2100 (to amendment No. 2011), to express the sense of the Senate that it is in the national security interest of the United States that Iraq not become a failed state and a safe haven for terrorists.

Mr. LEVIN. Parliamentary inquiry: What is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Levin amendment No. 2087.

Mr. LEVIN. I ask unanimous consent that the Senator from Oregon be recognized as in morning business for 15 minutes.

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

Mr. LEVIN. I then ask unanimous consent that the Republican leader be recognized, and then following his statement, which we expect to be about 10 minutes, Senator DURBIN be recognized, and then the Senator from Colorado, Mr. SALAZAR, after Senator DURBIN; I further ask unanimous consent that if a Republican wishes to speak in between Senators DURBIN and SALAZAR, that Republican be recognized.

Mr. WARNER. Reserving the right to object.

Mr. LEVIN. I thought it was going to be a morning business UC, but we have protected a Republican speaking in between Senators DURBIN and SALAZAR.

Mr. WARNER. What is the order?

Mr. LEVIN. The order would be that Senator WYDEN would speak in morning business, then Senator MCCONNELL, and then Senator DURBIN, then if there is a Republican, and then to Senator SALAZAR.

Mr. WARNER. Would we have the benefit of an important discussion on your amendment?

Mr. LEVIN. Well, it is the pending amendment. Those who want to speak on the amendment would be free to do so. Hopefully, there will be many people speaking on it because we should have an opportunity before Wednesday.

Mr. WARNER. I wish to address it, but as a matter of courtesy—we have been at this for 29 years—I am going to wait until you speak, and then I will speak.

Mr. LEVIN. I have a number of things to say on the amendment, and the things I wish to say in depth I will maybe save until tomorrow. I would not want to speak without your being here.

Mr. WARNER. We have been here many years together. We manage, even though we oppose each other. But I do oppose you on this one, my dear friend.

Mr. LEVIN. I feel similarly about your amendment. I think both would enjoy being here when the other speaks. We can arrange that. We have been arranging this for 28 years. We will continue to arrange it.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. No objection.

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

The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President and colleagues, there are two truly critical issues for our country. You hear it every time you have a town meeting, every time a Senator is home. One of those issues is changing course in Iraq. The second issue is fixing health care in America.

The Senate is going to spend long hours on the floor of the Senate this week, hopefully, changing course in Iraq, making a fundamental shift of the policy, where the Senate would come together on a bipartisan basis. I wish to spend a bit of time this afternoon talking about the long hours that are ahead for members of the Senate Finance Committee in a critical part of the effort to fix American health care.

Over the last several months, four members, a bipartisan group in the Senate Finance Committee—Senators BAUCUS and GRASSLEY and ROCKEFELLER and HATCH—have toiled hard to better meet the health care needs of this country's youngsters.

It is a moral blot on our Nation that millions and millions of our kids go to bed at night without decent health care. This legislation is part of an effort to erase that moral blot—an unconscionable fact of American life that so many kids are scarred by the inability to get decent, good-quality, affordable health care.

In recent days, the Bush Administration has indicated they are considering vetoing this legislation. As one who has worked very extensively with the Bush Administration on health care issues, it is my hope they will join the effort, the bipartisan effort in the Senate, to try to work this legislation out and to do it in a bipartisan way. In fact, I think it is absolutely critical that it be done if there is to be another bipartisan effort in this Congress that would attack health care needs in this country on a broader basis.

Senator BENNETT and I, as the distinguished Presiding Officer, the Senator from Colorado, is aware, have brought to the Senate the first bipartisan health care overhaul bill in more than 13 years. It has brought together business organizations and labor organizations. It has put us in a position, for the first time in more than a decade, to look on a bipartisan basis at overhauling American health care. But to do it, we are first going to have to address the immediate needs of this country's kids. In fact, as part of the budget process, I was able to add legislation to indicate that those critical needs of this country's children would be added first.

Now, I would be the first to acknowledge there is a connection between the

children's health care program and the broader health needs of our citizens. The fact is, most kids in America get health care through private coverage through their parents. Those who are on the CHIP program—the Children's Health Insurance Program—many of them get coverage through the private sector as well, through private policies.

But we are going to have to find common ground if we are to fix American health care. Democrats and Republicans on the Finance Committee have tried to do that on the CHIP legislation. As the Presiding Officer, the distinguished Senator from Colorado, knows, there are a great many Democrats who would like to spend more than this compromise effort would allow. We would like to look at allocating \$50 billion for the needs of America's youngsters. The bipartisan compromise—as part of the cooperative effort of Senator BAUCUS and Senator GRASSLEY and Senator ROCKEFELLER and Senator HATCH—is talking about \$35 billion. That is pretty hard for some on our side of the aisle to swallow.

Also, with respect to the extent of coverage, a number of Members on this side of the aisle had been concerned about other groups of citizens who have not been able to get good-quality, affordable coverage, and they have been able to get benefits under existing services offered by the children's health program because the Bush administration allowed for special waivers. So what the compromise is seeking to do is to say: All right, if it has been allowed under a waiver program, let's not point the finger at anybody. Let's say those waivers, in effect, would be grandfathered. They would be protected. But then we will move on, and we would move on in a bipartisan kind of way.

I will tell my colleague, the Presiding Officer—because he and I have spoken about health care often—we know what needs to be done in American health care. We are spending enough money, certainly. This year, we will spend \$2.3 trillion. There are 300 million of us. If you divide 300 million into \$2.3 trillion, you could go out and hire a doctor for every seven families in the United States. We are spending enough money on health care; we are just not spending it in the right places.

We also know—because Senator BENNETT and I have talked to a great many on both sides of the aisle—there is a real prospect for an ideological truce here on the health care issue in the Senate.

A great many Republicans, to their credit, are acknowledging now, for the first time, that to fix American health care you have to cover everybody because if you do not cover everybody, those who are uninsured shift their bills to the insured. A great many Democrats, also to their credit, have been willing to acknowledge that just turning all this over to Government—having a Government-run health care

program—is not going to work politically either, that it is going to be essential to have a private sector in American health care that works. It would be a reformed one. Private insurance companies could not cherry-pick any longer, they could not take just healthy people and send sick people over to Government programs more fragile than they are, but that there would be a real private sector.

So in addition to spending enough money and in addition to something of an ideological truce now on health care between Democrats and Republicans, for the first time—I particularly want to credit my colleague from Utah, Senator BENNETT, for working closely with me on this part of the effort—I think we can show people who have coverage why it is in their interest to be for reform. Certainly, here in the Senate we know that past efforts—particularly in 1993, during the debate about the Clinton plan, the single biggest barrier was convincing people who had coverage why it would be in their interest to support reform.

What we have been able to do, on a bipartisan basis—Senator BENNETT and I working together is to come up with an approach that will show people who have coverage—workers and employers—why it will work for them with the very first paychecks that are issued under our legislation, the Healthy Americans Act. Not in 5 years, not in 8 years, not sometime down the road, but it will work for those who have coverage—workers and employers—with the very first paychecks that are issued when this legislation becomes law. The reason it would benefit those workers and employers is they would have more cash in their pocket. The workers would have more choices for the health care that was available to them. They would certainly have more security—health care that could never ever be taken away.

My hope is that we can have a cooperative, bipartisan effort on the CHIP legislation, starting tomorrow night. As my friend from Colorado, the Presiding Officer, knows, we will have a late markup. Democrats and Republicans on the committee want to work together. We want to work with the Administration. I hope the Administration will join us in that effort.

I would also suggest that if that happens, we can go on to the broader health care issue, where there are a number of areas where the Administration seeks reform. I want to assure them I am interested in working with them. For example, the President has made the point—it is one that I share—that the Federal Tax Code as it relates to health care disproportionately favors the most wealthy and rewards inefficiency. Today, in America, if you are a high-flying CEO and you want to go out and get a designer smile plastered on your face, you can do it and write off the cost of that operation on your taxes—every dime. But if you are a hard-working woman in a furniture

store in Colorado or Illinois or Oregon and your company has no plan, you get nothing out of the Tax Code. You get nothing.

So what Senator BENNETT and I seek to do is redirect those several hundred billion dollars in tax expenditures for health care to people in the middle-income brackets, the lower middle-income brackets. The Bush Administration has a different approach with respect to the Tax Code and health, but as I have said to the President personally, I think he is still onto the basic concept. This is an area where Democrats and Republicans can find common ground.

But if we are going to get, in this session, to the broader issue of health care reform—of course, a lot of people think it cannot be done; they think it will be 2009 and we will have another Presidential election before there is real reform—if we are going to deal with it in this session—and Senator BENNETT and I are pulling out all the stops to try to get broader health care reform out there this session in order to get to that broader debate—Democrats and Republicans have to come together on this crucial issue of meeting the health care needs of this country, of wiping out this moral blot on our Nation that millions of kids do not have decent health care.

That effort will start tomorrow night. This is a key time for those of us who want to reform American health care. If we can come together in this Senate—starting tomorrow night under Senators BAUCUS and GRASSLEY and HATCH and ROCKEFELLER—my hope is we can keep that coalition together and then segue over to the broader reform where Senator BENNETT and I have brought, for the first time in more than 13 years, colleagues, a bipartisan proposal to overall American health care. It has the support of business and labor. Consumer groups have been involved in the development of it.

I am very hopeful that under the leadership of Senator REED—and I see the distinguished leader from Illinois in the Chamber—we can change course with respect to the war in Iraq but we can also change course with respect to the most pressing domestic issue of our time; that is, fixing American health care. The effort starts tomorrow night.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would I be correct in saying this time is reserved for the distinguished Republican leader?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Mr. President, I do not see him present at the moment; therefore, if some other speaker, for a period of time, wishes to go forward—

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I believe the Republican leader will be here in approximately 5 minutes. I will, if the

Senator from Virginia concurs, suggest the absence of a quorum and wait.

Mr. WARNER. Fine. I just wanted to accommodate any Senator who needed 5 minutes. I see none.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCONNELL. Mr. President, I know the majority leader has indicated he is going to file cloture on the Levin amendment and is setting up a cloture vote for Wednesday. It had been my hope we could have by consent set up a process by which we could put the Levin amendment in the queue with a 60-vote threshold such as we have had on virtually every Iraq amendment this week, and also a 60-vote threshold on the Cornyn amendment, which is a logical counter to the Levin amendment. As I indicated, it is my understanding the majority leader announced earlier it would be his intention to file cloture on the Levin-Reed amendment this evening. That would, as I suggested, allow for a cloture vote to occur on Wednesday of this week. As I indicated, it had been my hope we could have had the Levin amendment and the Cornyn amendment in juxtaposition by consent, both requiring 60 votes. This has been the way we have dealt with essentially every controversial Iraq amendment this year, no matter what bill it has been offered on.

AMENDMENT NO. 2241 TO AMENDMENT NO. 2211

Given the majority leader's intention to file cloture this evening on the Levin amendment, I now send an amendment to the desk and ask for its consideration.

Mr. REED. I object.

The PRESIDING OFFICER. The Presiding Officer will hold on for a second to ask a question of the Parliamentarian.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McConnell] proposes an amendment 2241 to amendment No. 2211.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection to the termination of the reading of the amendment?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk read as follows:

At the end of the bill add the following:

SEC. 1535. SENSE OF THE SENATE ON THE CONSEQUENCES OF A FAILED STATE IN IRAQ.

(a) FINDINGS.—The Senate makes the following findings:

(1) A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

(2) The Iraq Study Group report found that “[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally”.

(3) The Iraq Study Group noted that “Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world”.

(4) A National Intelligence Estimate concluded that the consequences of a premature withdrawal from Iraq would be that—

(A) Al Qaeda would attempt to use Anbar province to plan further attacks outside of Iraq;

(B) neighboring countries would consider actively intervening in Iraq; and

(C) sectarian violence would significantly increase in Iraq, accompanied by massive civilian casualties and displacement.

(5) The Iraq Study Group found that “a premature American departure from Iraq would almost certainly produce greater sectarian violence and further deterioration of conditions. . . . The near-term results would be a significant power vacuum, greater human suffering, regional destabilization, and a threat to the global economy. Al Qaeda would depict our withdrawal as a historic victory.”

(6) A failed state in Iraq could lead to broader regional conflict, possibly involving Syria, Iran, Saudi Arabia, and Turkey.

(7) The Iraq Study group noted that “Turkey could send troops into northern Iraq to prevent Kurdistan from declaring independence”.

(8) The Iraq Study Group noted that “Iran could send troops to restore stability in southern Iraq and perhaps gain control of oil fields. The regional influence of Iran could rise at a time when that country is on a path to producing nuclear weapons.”

(9) A failed state in Iraq would lead to massive humanitarian suffering, including widespread ethnic cleansing and countless refugees and internally displaced persons, many of whom will be tortured and killed for having assisted Coalition forces.

(10) A recent editorial in the New York Times stated, “Americans must be clear that Iraq, and the region around it, could be even bloodier and more chaotic after Americans leave. There could be reprisals against those who worked with American forces, further ethnic cleansing, even genocide. Potentially destabilizing refugee flows could hit Jordan and Syria. Iran and Turkey could be tempted to make power grabs.”

(11) The Iraq Study Group found that “[i]f we leave and Iraq descends into chaos, the long-range consequences could eventually require the United States to return”.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate should commit itself to a strategy that will not leave a failed state in Iraq; and

(2) the Senate should not pass legislation that will undermine our military’s ability to prevent a failed state in Iraq.

CLOTURE MOTION

Mr. REED. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Levin-Reed, et al., amendment No. 2087, to H.R. 1585, Department of Defense Authorization, 2008.

Carl Levin, Ted Kennedy, Byron L. Dorgan, Russell D. Feingold, B.A. Mikulski, Debbie Stabenow, Benjamin L. Cardin, Amy Klobuchar, Pat Leahy, Richard J. Durbin, Jeff Bingaman, Jack Reed, Ron Wyden, Barbara Boxer, Patty Murray, Robert Menendez, Daniel K. Akaka, Charles Schumer.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on pending amendment No. 2241 to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, Wayne Allard, Pete V. Domenici, Jim Bunning, Jeff Sessions, Chuck Grassley, C.S. Bond, Mike Crapo, Jon Kyl, Elizabeth Dole, Trent Lott, John Barrasso, James Inhofe, Lindsey Graham, Lisa Murkowski, John McCain.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. McCONNELL. Mr. President, it is a shame we find ourselves in the position we are in. The sensible and logical way to set up this debate with the Levin amendment and the Cornyn amendment would have been to do it by consent with two 60-vote thresholds. This continued effort to thwart the ability of the minority to get amendments in the queue and to get them offered and voted on is not, I might say, a very effective way to legislate, because it produces a level of animosity and unity on the minority side that makes it more difficult for the majority to pass important legislation.

In addition to the Cornyn amendment, we have the Warner-Lugar proposal, which certainly deserves a vote, as does the Salazar—the occupant of the Chair—the Salazar-Alexander amendment.

I hope we could do this in an orderly way. We have been on this bill now for a week and a half. We are clearly going to be on it through the end of this week. It would be important, as we move toward disposition of this measure, to have all Senators who have important amendments have an opportunity to be heard.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. I had the opportunity this morning to listen to the majority leader, HARRY REID, as I presided. He made it clear that he would be perfectly will-

ing to allow a 50-vote majority vote on both the Levin-Reed amendment and the Cornyn amendment or the proposed McConnell amendment. I think if there is any attempt to obstruct the will of the Senate, it is by those who are suggesting that we must have a 60-vote threshold. I think Senator REID made it clear that he would be happy to entertain a limited debate and a majority vote on the Levin-Reed amendment, the Kyl amendment, or other amendments that may be appropriate on the policy in Iraq.

I also understand at this moment, under the pending unanimous consent, the Senator from Illinois is to be recognized.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Rhode Island for his hard work with the Senator from Michigan in preparing this bill on Defense authorization.

With all due respect to the minority leader, the statement he made on the floor earlier is not accurate. The Republican minority leader said, on issues relating to Iraq, we have required 60 votes. I remind the Republican minority leader that the vote on the timetable on the supplemental appropriations bill was a simple majority vote. It was not a 60-vote threshold. The most important Iraq vote of the year did not require 60 votes on the floor of the Senate. It passed the Senate with a bipartisan rollcall, with 51 or 52 Members supporting it, and it was sent to President Bush for one of his only three vetoes since he was elected President. I am sure the minority leader from Kentucky remembers that it was not a 60-vote requirement.

Now, let’s look at the Defense authorization bill here—at the history of the Defense authorization bill. Once again, I ask the minority leader from Kentucky to please look at the record. What he said earlier on the floor is not accurate.

In the last debate on the Defense authorization bill, there were two Iraq amendments offered. One was by Senators LEVIN and REED and another by Senator KERRY. Both related to the war in Iraq, and both required only a majority vote.

The Senator from Kentucky has not accurately portrayed what occurred on the floor of the Senate either with our supplemental appropriations bill or the previous Defense authorization bill. Now, for those who are following this debate and wondering: Why are you worried about how many votes are required, this is what the Senate is all about. The question is, Will this Senate speak on the issue of the policy on the war in Iraq?

The Senator from Kentucky understands—because he has been a veteran of this body—that he does not have a majority of the Senators supporting his position or the position of President Bush. So he started this debate by saying we won’t allow a majority vote.

It will take 60 votes—60 percent of the Senate—to change the policy on the war in Iraq. The Senator from Kentucky is betting that he can hold enough Republican Senators back from voting for a change in policy on the war in Iraq to defeat our efforts to start bringing our soldiers home. That is his procedural approach. He has stood by it. But he should confess it for what it is. It is a departure from where we have been on the debate on Iraq, on the supplemental appropriations bill, and on the Defense authorization bill.

Mr. President, it is unfortunate, and it is wrong. It is wrong to require 60 percent of this body to vote this way if, traditionally, on the war in Iraq we have required only a simple majority. I suppose it is encouraging to us that more than 60 percent of the American people get it. They understand how failed this policy has been of the Bush administration—the policy being supported by the minority leader of the Senate. They understand that. They want us to do something about it. But the Senator from Kentucky has thrown this obstacle in our path. He created this procedural roadblock. He has filibustered—starting a filibuster to stop the debate on the war in Iraq.

I have been here for a few years, and I have not seen a full-throated, fully implemented filibuster that you might have recalled from “Mr. Smith Goes to Washington,” when Jimmy Stewart stood at his desk, until he crumpled in exhaustion, filibustering a bill to stop it. Over the years, our gentility has led us to a different kind of filibuster. It is a filibuster in name only, where one side says we are going to keep this debate going on indefinitely, and the other side says we are going to bring it to a close with a motion for cloture, and we will see you in 30 hours; have a nice time we will see you tomorrow morning.

We are going to change that procedure this week. Since the Republican side has decided they want to filibuster our effort to debate the war policy on Iraq, we have decided on the Democratic side that we are going to have a real filibuster. One of the critics of this recently called it a stunt that we would stay in session—a stunt that we would have a sleepless night for Senators, a stunt that we would inconvenience Senators and staff, the press, and those who follow the proceedings. I don’t think it is a stunt. I think it reflects the reality of this war.

How many sleepless nights have our soldiers and their families spent waiting to find out whether they will come home alive? How many sleepless nights have they spent praying that after the second and third redeployment their soldier will still have the courage and strength to beat back the enemy and come home to their family? It is about time for the Senate to spend at least one sleepless night. Maybe it is only a symbol, but it is an important symbol for the soldiers and their families. It really goes to the nature of sacrifice.

I guess I was raised as a little boy reading about World War II and remembering the Korean war when my two brothers served. There was a sense of national commitment in those wars. People back home, as well as those on the front, believed they were in it together. Sacrifices had to be made, your daily living habits, the kinds of things you could buy, and ration cards and buying U.S. savings bonds. America was one united Nation in those wars. We accepted that shared sacrifice, and we were better for it. But during this war, sad to say, this President has not summoned that same spirit of sacrifice. He basically told us that this war can be waged without inconveniencing the lives of most Americans.

Our soldiers go through more than inconvenience. They go through hardship and deprivation. Many face injury and death in serving our country. But for most of us, life goes on as normal. This President hasn’t asked great sacrifice from the American people.

When I visited Iraq, it was not uncommon to have a marine or soldier say to me over lunch: Does anybody know what is going on over here? Does anybody know what we are up against? It is a legitimate question. We focus on these superficial stories in the press that don’t mean a thing and forget the obvious.

The obvious is this: Every month we are losing American lives; about 100 American soldiers die each month in this war in Iraq, and 1,000 are seriously injured. We spend \$12 billion each month. That is the reality.

I know there is frustration by the soldiers and their families that we are not paying close enough attention. But the American people understand that this failed policy from the Bush administration has to come to an end. Wasn’t it interesting over the weekend when the Prime Minister of Iraq invited us to leave, and said: You can take off anytime you would like, America. We will take care of our own problems. Prime Minister al-Maliki, the man we helped to bring to office, whom we hoped would show the leadership in Iraq for its future, asked America to pick up and go whenever we would like to.

What do the Iraqi people think about our presence? Well, 69 percent of them say our presence in Iraq today, with our troops, makes it more dangerous to live there. More than 2 million of those soldiers, of those Iraqis, have left that country as refugees. Millions have been displaced from their homes. Thousands—we don’t even know the number—have been injured and killed. They want us to leave—this occupation Army of Americans.

What do the American people think about this occupation in Iraq? They want it to end as well. They don’t see any end in sight. They don’t hear from this President the kinds of strategy or direction that leads them to believe that this will end well or end soon. They want our troops to start coming

home. I agree with them. I don’t believe the Iraqis will accept responsibility for their own country until we start leaving. If the Iraqis know that every time there is a problem, they can dial 9-1-1 and bring on 20,000 of our best and bravest soldiers to quell the violence on their streets, what kind of incentive is that for them to protect their own country and make the critical political decisions which may lead one day to stability?

I look at this Cornyn amendment just filed. I respect my colleague from Texas, but I tell you, he is asking for too much. He is asking the United States to stay in Iraq to make certain that it succeeds. How long is that going to be? How long will that go on?

There are three battles going on in Iraq today: First, who is in charge? The Sunnis, Shia, Sadr militia, al-Qaeda, or some other force? The Kurds also have to be part of the equation. That battle goes on every day on the floor of the Parliament in Iraq as they try to decide who is going to try to govern their country.

There is a second battle going on as well. It is a battle as to whether Iraq is going to be a nation. The Cornyn amendment assumes, and many people assume, that Iraq has been a nation forever. It has not. Certainly, in the depths of history, you can find Mesopotamia. We all read about it in the earliest civilizations, and about the Tigris and Euphrates. But Iraq, as we know it today, was the creation of British diplomats after World War I who sat down with a map and said the French can take Lebanon, bring in the Shia and Sunni—on and on, creating countries out of whole cloth at the end of a war, dividing up the soils of the Middle East. That was the creation of Iraq as we know it. It has not been in existence that long—not one century.

Iraq has to decide whether there is more that binds them than divides them. They have to decide whether the Kurds, Sunni, and Shia of this location want to come together as a nation to share in governance, in revenue, and to share in their future. That is an ongoing debate in Iraq today.

There is a third debate in Iraq today that is even deeper in history. It is a debate between warring Islamic factions that has been going on for 14 centuries. Ever since the death of the great prophet Mohammed, Islamic people have argued over his rightful heirs—one branch of the Sunni religion of Muslims or one in the Shia—and they came to different conclusions. They have not resolved that. Often, that difference of opinion has erupted into violence, which we see today on the streets of Iraq.

So Senator CORNYN files an amendment that says the United States should stay there with its forces until they resolve these three problems: Who is going to govern, whether there will be a nation, and this Islamic division. Is that what we bargained for when the President asked us to invade Iraq? It

certainly is not. Not one of those things was included in the President's request for the authorization of force in Iraq.

Do you remember why President Bush told us we had to invade Iraq? Saddam Hussein—a tyrant killing his own people—was a threat to the region and to his own country. Saddam Hussein is gone, dug out of a hole in the ground, put on trial by his own people, and executed.

The second reason the President said we had to invade Iraq was to find and destroy weapons of mass destruction. Well, we have been looking for 4½ years, Mr. President, for weapons of mass destruction, and we cannot find one. So that reason for the invasion of American forces is long gone. And the final, of course, was to protect any threat of Iraq to America's security. I can tell you that after Saddam Hussein was deposed and dispatched quickly by our fine military, and when weapons of mass destruction were not found, Iraq was no threat to the United States.

Now comes the new Republican rationale, the Cornyn-McConnell rationale: We need to stay in Iraq until they resolve century-old battles over the Islamic religion. We need to stay in Iraq until they decide whether they want to come together as a nation. We need to stay in Iraq until the Parliament decides to roll up its sleeves and make important political decisions about their future. Just how long will that be? How many American soldiers will be called into action for those goals? How many times will Congress be called on to vote for authorization of force to reach these objectives?

They have told us what it is all about. From the point of view of the Bush administration and their supporters on the Republican side of the aisle, there is no end in sight in our occupation of Iraq. They would have us stay there for a long time. The American people know better. They understand the sacrifices we have made.

The President likes to define this in terms of victory and defeat, saying if we start bringing American troops home, somehow, in his mind, that is a defeat. I say to the President, there are several things he should consider. We were not defeated when we deposed Saddam Hussein. We were successful. We were not defeated when we scoured that country and found no weapons of mass destruction. We were successful. We were not defeated when we gave the Iraqi people a chance for the first free election in their history. We were successful. We were not defeated when they were allowed to form their own Government to plan for their own future. We were successful. We certainly have not been defeated day to day with the courage of our men and women in uniform.

I hear an argument from time to time as well: If our troops start coming home now and things go badly in Iraq, those who have served and sacrificed and even those who have died will have

done so in vain. I couldn't disagree more. History has taught us a very basic lesson. The test of courage of a soldier is not to be measured by the wisdom of Presidents and generals to send them into battle. Presidents and generals make serious mistakes. They send troops into battle where they have no chance to win. But those soldiers do their duty. They show heroism, courage, and valor, and no one—no one—can take that away from them.

This political debate about the wisdom of the President's foreign policy has reached a point where we have a number of amendments on the floor. The Republican leadership has established hurdles and blockades—everything they can find—to stop us from a vote that reflects the feelings of the American people. Mr. President, you know why? They are afraid of what the American people want. They are afraid the American people may prevail. So they have dreamed up this procedural requirement of 60 votes, a requirement that did not take place on the Iraq amendments on previous Defense authorization bills, a requirement that did not take place when it came to our supplemental.

We have offered them: Let's have a majority vote. Let's speak as a Senate to this issue seriously, an up-or-down vote on our amendment, an up-or-down vote on their amendment. They rejected it. Sixty votes—they have it wired. They have it figured out. There is one thing they don't have figured out and that is how they are going to go home and explain this situation, how will these Senators go back to their States after they have told their people they are giving up on the President's policy in Iraq and explain why they didn't support the only amendment that will seriously change our policy in Iraq?

I don't think they can. They can talk about supporting other amendments. There is only one amendment by the Senator from Rhode Island, Mr. REED, and the Senator from Michigan, Mr. LEVIN, that puts a timetable to bring this war to a close that doesn't ask the President to consider our point of view but says we will use our congressional powers to require of the President a change in policy. Only one vote. Every other vote these Senators may cast, they are going to say: Oh, I told you I disagreed with the President and that is why I voted this way.

Let me tell you, they don't stand the test of scrutiny. Look carefully at those amendments. See if they require of the President a change in policy. See if they bring one American soldier safely home. If they don't, then they don't achieve the goals the American people expect of us.

Mr. WARNER. Mr. President, at some point, I would be privileged if I could enter into a colloquy with my valued friend. So at the proper juncture in his remarks, perhaps we could have a bit of a colloquy.

Mr. DURBIN. Out of great respect for the Senator from Virginia, I would like to give him that answer now.

Mr. WARNER. I thank my friend. We can have our debates, and we frequently do, on procedure, and it is very confusing, of course, to the American public. But these are old rules that go back, I might say with some sense of pride, to Thomas Jefferson. He had a hand in writing them. Somehow this magnificent institution, the Senate, has been able to serve our great Republic these 200-some-odd years.

Apart from procedure—and it seems to me I recall that at an earlier juncture in the spring when we were debating certain amendments on Iraq, the Senator from Virginia had an amendment. It got over 50 votes. It was a bipartisan amendment. That amendment, quite interesting, while it failed to reach the 60-vote margin, it was picked up by the appropriators and word for word written into the appropriations bill.

It required, among other things, that the President report on July 15. That report, I think, was of value. People can differ with it. I know it attracted a lot of attention and widespread press coverage. It was of value.

That report also set up an independent group. I consulted with my good friend, the chairman, Senator LEVIN, and told him I felt all the years we have been working together we get a lot of facts from the Pentagon about the status of Iraq's security forces. Shouldn't we have an independent group not affiliated with the Department of Defense—I am not, in any way, impugning the accuracy of their facts—have an independent group give us a second opinion.

GEN Jim Jones, former Commandant of the Marine Corps, offered to head up that group. I talked with him about it. He thought about it a long time. He decided to do it. He has about 18 individuals with military experience and two former police chiefs. They got back this weekend from a very intensive 1-week schedule studying these situations. So there is a great convergence of information that will be brought to bear and made public the first week in September.

But back to this question before us. The distinguished Republican leader put an amendment up. I would like to ask my distinguished colleague if he would cover with me the provisions and what his views are on some of the findings in the amendment.

This is a sense of the Senate on the consequences of a failed state in Iraq. Much of this material was put before the Senate a few days ago, filed by our distinguished colleague from Texas, Mr. CORNYN. Would the Senator from Illinois engage me in asking a few questions about it or is there another time he would be willing to do it?

Mr. DURBIN. No, if I may say to my colleague from Virginia, I will consider this colloquy to be in the form of a question without yielding the floor.

Mr. WARNER. Yes, of course, Mr. President.

Mr. DURBIN. Please proceed.

Mr. WARNER. For instance, the first finding:

A failed state in Iraq would become a safe haven for Islamic radicals, including al Qaeda and Hezbollah, who are determined to attack the United States and United States allies.

We know from experience in Afghanistan that bin Laden occupied a piece of territory there and set up his training camp. Much of the training that led to the horrific damage to our Nation, loss of life and property, occurred there—of course, September 11. Does the Senator not agree—I am curious, I would like to get some understanding of what the Senator's thoughts are on this sense of the Senate.

Mr. DURBIN. First, I wish to express my thinking and feelings about the Senator from Virginia, whom I respect very much, who served our country so well in so many capacities. He is the longest serving Senator from the State of Virginia in the history of the United States of America.

Mr. WARNER. One other, Mr. President, was a bit longer. I am No. 2, kind of like the Senator from Illinois, No. 2.

Mr. DURBIN. Second longest in the history of the State of Virginia and who has been a constructive partner in our efforts to deal with this issue of Iraq. Even before other Senators on his side of the aisle questioned, spoke out, he was there, and I respect him very much for that effort.

Mr. President, I say to the Senator from Virginia that the Levin-Reed amendment is conscious of the very first point he made, saying that even redeploying troops, we would reserve the right to use our soldiers, use our troops to stop the expansion of al-Qaida. So we are not walking away from that threat.

Al-Qaida, as the Senator from Virginia knows, were the real culprits on 9/11. They are the ones who are sworn enemies of the United States and in what we believe. I don't believe any Senator on my side, in the Levin-Reed amendment or otherwise, has suggested we would not continue to work to stop the advance of al-Qaida and its evil scheme.

Mr. WARNER. Mr. President, I think the Senator is accurate. I have studied the Levin amendment. I am opposed to it because of the fixed timetables. But let's proceed to the second one. I think we have covered the first, and I find it very helpful.

The second finding:

The Iraq Study Group report found that “[a] chaotic Iraq could provide a still stronger base of operations for terrorists who seek to act regionally or even globally.”

To me that seems to have some basis in fact. Does the Senator agree with that?

Mr. DURBIN. I say to the Senator from Virginia in response, at some point, the Iraqis have to take control of their country, their territory, and

their future. It is certainly not in their best interest, if they want to develop, for example, an oil industry that is going to fuel their economy and improve the lives of the people, to allow terrorist groups to run without restraint.

So, yes, I think that is a concern they should have as a nation, and that is why the second part of the Levin-Reed amendment is so important. We reserve the right for American forces to help train and equip the Iraqi soldiers, Army, and police.

Fighting terrorism, we now see most often is a military function, but I think historically it has been a police function. Regardless of which, we reserve in the Levin-Reed amendment the right for America to continue to invest in the Iraqi Army and police force, for that very reason, so there is internal stability in Iraq, even as our combat forces are removed.

Mr. WARNER. Mr. President, I appreciate that answer. I think there is a provision—as a matter of fact, the amendment Senator LUGAR and I filed has very much the same language in it. Let's proceed to No. 3.

The Iraq Study Group noted that “Al Qaeda will portray any failure by the United States in Iraq as a significant victory that will be featured prominently as they recruit for their cause in the region and around the world.”

That concerns me. I think there is some truth to that statement.

Mr. DURBIN. The Senator from Virginia served on the Intelligence Committee, as I did for 4 years. I think he served longer. He will recall we were told by our intelligence agencies that our invasion of Iraq has led to an emergence of al-Qaida terrorism in that country. Sadly, these terrorists are taking their training by trying to kill American soldiers and those who support us.

So my feeling is that the current strategy we have been using, unfortunately, is fueling this growth in terrorism, growth in al-Qaida, the presence of all these combat troops.

I sincerely believe we have to understand that fighting al-Qaida, fighting terrorism is still a high priority. This administration was diverted from our first priority.

The Senator from Virginia may remember that after 9/11, within days, the President came to the Senate and asked us to declare war on al-Qaida and those responsible for 9/11. The vote was unanimous. Every Senator voted in favor of that request, both political parties. Those were sworn enemies of the United States who had killed 3,000 innocent people. But we lost sight of that goal. Instead of focusing on Afghanistan, the Taliban, and al-Qaida, we were diverted into Iraq.

I say to the Senator from Virginia, as we start bringing combat soldiers out of Iraq, I don't believe we should walk away from our responsibility in Afghanistan, fighting the Taliban, working on the border with Pakistan to try

to make sure the growth of al-Qaida is stopped.

Mr. WARNER. Mr. President, I say to the Senator most respectfully, I know no one over here who wants to try to do a precipitous withdrawal or lessen our efforts against al-Qaida. As a matter of fact, we want to reinforce our efforts against al-Qaida. We can go back and argue the numerical presence of al-Qaida at the time we went in. I do recall that very vividly and conducted many hearings in the Armed Services Committee. Al-Qaida was not high on the scope. There was mention of it. We have to deal with the facts that exist now, and it is clear, for whatever reason, they are now in that area in significant numbers larger than when we went in. I, personally, feel it is not as a consequence of our military action thus far. They simply see the terrific divisions between the Sunni culture and the culture of the Shia, and they are trying to foment among those two venerable religious cultures as much fighting as they possibly can. I think we both have to agree, to that extent, they have been successful.

Clearly, al-Qaida has as its main goal, at such time as possible, to bring about further harm to the United States of America. There is no doubt in my mind, and I am sure there is no doubt in the mind of the Senator from Illinois. So I think anything that is portrayed as a failure of our commitment in Iraq could be utilized, as I said, for recruitment of their troops, whether in Iraq, Afghanistan or elsewhere in the world.

Mr. DURBIN. May I say to the Senator from Virginia in response that I believe—and I think the Levin-Reed amendment addresses this in section 3—we also should be thinking beyond the parameters of our current discussion about military prisons and about other nations in the region. I am sure the Senator from Virginia is going to bring that up, too, as part of it.

It strikes me at this point in time that other nations in the region interested in stability in their own countries and stability overall have not accepted or shouldered the responsibility they should. Whether it is the Arab League or some other group, they need to step forward and say that the territorial integrity of Iraq, the stability of Iraq is in the best interests of the region. I don't think they are going to do that as long as the U.S. presence is so overwhelming, as long as we are the issue. If the issue is Iraq and its future, I think it is more likely these countries will step forward, and this Levin-Reed amendment makes that point.

What we are talking about is a comprehensive strategy to deal with the future of Iraq.

Mr. WARNER. But I say, in response to my distinguished colleague, it is for that very reason the President is dispatching the Secretaries of State and Defense into that region, to bring that point very clearly, this problem which is being experienced in Iraq. And when

I say “experienced,” I mean devastating loss of life of Iraqi citizens, considerable loss of life of our own forces, and loss of limb. That is something which every Senator on both sides of the aisle is concerned with daily. But thus far, the bordering nations certainly have not stepped up, in my estimation, to take a constructive role. If anything, we have, in Syria and Iran, pretty convincing evidence that they are taking steps antithetical to bringing about a resolution of some sort of peace and stability in Iraq.

Mr. DURBIN. I might say, in response to the Senator from Virginia, that I don't recall the exact vote, but when Senator LIEBERMAN offered an amendment to this bill last week relating to Iran, the vote was overwhelmingly bipartisan. We agree with that. How do you contain Iran? How do you stop Iraq from becoming an Iranian client state?

There is so much we can do, but the region has to respond. The Senator from Virginia knows as well as I do that there is division within the Islamic religion and that the Sunni faction or element is the most dominant in that region and around the world.

Mr. WARNER. By far, I think it has been 90 percent—

Mr. DURBIN. An overwhelming percentage.

Mr. WARNER.—are associated with the Sunni perspective versus about 10 or less percent the Shia.

Mr. DURBIN. So it does not seem to be in the best interest of other Islamic states to see the development of a Shia force that combines Iraq and Iran. So my feeling is, again either through the United Nations, through NATO, through other groups, but trying to make this a much more inclusive effort, that we have a much better chance.

The problem is clear: As long as it is the United States dominating the agenda in Iraq, it is an obstacle for other countries to get involved. I salute the Secretary of Defense and the Secretary of State for their efforts, but I think we have complicated the situation dramatically with the length of this war and the visibility of the United States as the lead force in this invasion.

Mr. WARNER. We have to decide on the facts as they exist now, and I think our Government has. But even in the recent words of the President, he wants to intensify the participation of other nations in this situation.

My colleague, Senator LUGAR, in preparing our amendment—and he is quite expert in this area—has a considerable portion of our amendment—again, a sense of the Senate—directed at steps our country could be taking to augment those steps already taken. He recently met with the Secretary of State. They had a discussion here a few days ago, prior to our entering the amendment on this very matter. So we are moving forward.

I think my colleague and I have no difference on the need to involve the

border states and other Muslim countries of responsibility.

Mr. DURBIN. I say to the Senator from Virginia, he used some words which I think tell part of the story here when he said his amendment with Senator LUGAR is a sense-of-the-Senate amendment. He is a veteran lawmaker and knows a sense-of-the-Senate resolution does not have the power of law. It is to suggest policy changes to the administration. The difference with Levin-Reed, if I am not mistaken, is we are dealing with legislative language. We are actually changing the law of the land when it comes to our forces in Iraq. That is significantly different. This is self-enforcing, the Levin-Reed amendment. Sense-of-the-Senate resolutions, either by Senator LUGAR or Senator CORNYN notwithstanding, will not change the policy. They do not have the binding impact of law as the Levin-Reed amendment does.

Mr. WARNER. We have to always monitor ourselves with the Constitution of the United States, and it explicitly gives to the President the power as Commander in Chief to direct our forces and to employ such strategy as he deems necessary to defend the security interests of our country. That is my concern with my distinguished colleague, Senator LEVIN, and he and I have worked here in this Chamber now in our 29th year, for those following this debate. My concern is that Congress become involved in military strategy and writing into law precisely what is done. I think that is crossing a constitutional issue.

I would like to continue with my colleague.

Mr. DURBIN. I might just say that I am glad my colleague from West Virginia is not on the floor because I don't have my Constitution in my pocket. But certainly article I, section 8—thank you, Senator, for covering for me here—says—if the Senator from Virginia will bear with me for just one moment.

Mr. WARNER. I know the provision quite well. It is on the regulation.

Mr. DURBIN. To raise and support armies, provide and maintain a navy, provide for militia, to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed—there may be another section here I am overlooking.

Mr. WARNER. I think you have about got it, if I may say.

Mr. DURBIN. Within the powers of Congress, we are not silent when it comes to the conduct of our military in this country.

Mr. WARNER. No, we are on a co-equal basis, as the Senator well knows.

Mr. DURBIN. To make rules for the Government and regulation of the land and naval forces. Article I, section 8 of the Constitution.

Mr. WARNER. Well, I remember on this floor and my distinguished colleague from Michigan remembers when Senator BYRD argued very persuasively

about certain aspects of the famous War Powers Act. Now, if we bring all of that history into this debate, and it may well be that we should do that, the reason that subject was carefully considered by the Senate, passed, and became law many years ago—each President has acknowledged that in spirit they are complying with the directions of the Congress, but they do not want it put into law.

Mr. DURBIN. May I ask the Senator from Virginia, and I know this is not following the exact process of our Senate rules, but I would ask him if he would address a point I made earlier; that the authorization for the use of force which President George W. Bush brought before us in October 2002 was explicit in the reasons for our invasion of Iraq—the threat of Saddam Hussein, the threat of weapons of mass destruction, and any threat of that nation to the security of the United States. Does the Senator from Virginia believe that authorization of the use of force applies to the current circumstance in Iraq today?

Mr. WARNER. Well, I was going to speak on that later tonight when I address my colleagues and point to the CONGRESSIONAL RECORD today, which contains the amendment by Senator LUGAR and myself. But, essentially, we bring to the attention of the Senate and provide the following language for the President, if I may read it, on page S 9224 of Friday's CONGRESSIONAL RECORD, in our section:

The findings that supported H.J. Res. 114, Public Law 107-243, which was enacted in 2002 and which authorized the President to use the Armed Forces of the United States against Iraq, require review and revision.

So, Senator, I have gone on record, together with my colleague, Senator LUGAR, that this is necessary, and we further call on the President—and I read the bill.

Mr. LEVIN. What section are you reading?

Mr. WARNER. Reading section 3 of my amendment, and it is on page S 9224 of Friday's CONGRESSIONAL RECORD.

Mr. LEVIN. What section of the bill?

Mr. WARNER. It is our amendment, it is on page 14 of our amendment.

Mr. LEVIN. Is there a number?

Mr. WARNER. The amendment is at the desk, on page 14.

Mr. LEVIN. If the Senator would yield so we can follow him, I wondered if there is a number in front of the paragraph you are reading.

Mr. WARNER. I will hand you my copy.

Mr. LEVIN. Section 14.

Mr. WARNER. I wanted to read the important second sentence—I actually wrote this provision myself; Senator LUGAR concurred in it—the second sentence, after addressing the fact that we felt it required review by the Congress of the United States. That is the one required under the appropriations bill language, which we passed here—not passed; 50-some-odd Senators voted for it when I put it up.

Therefore, as part of the September 15th, 2007, report, Congress expects that the President will submit to Congress a proposal to revise Public Law 107-243.

So Senator LUGAR and I come four-square and address that issue straight-on. There is concern. I was one of the four Senators who wrote the language, and if I may engage my colleagues, the law, 107-243, provided support for U.S. diplomatic efforts. That is section 2.

The Congress of the United States supports the efforts by the President to

(1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions regarding Iraq, and encourages him in those efforts; and

(2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance and promptly and strictly complies with all relevant Security Council resolutions.

Section 3. Authorization for the use of United States Armed Forces.

That is the provision Senator LUGAR and I address in our amendment. That authorization is very short, and I would like to engage in the reading of it.

Authorization for use of United States Armed Forces. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to

(1) defend the national security of the United States against the continuing threat posed by Iraq; and

(2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

So one is the benchmark, the underlying statement by the Congress which gives rise to the actions today to support the President, but I believe that in view of all that has transpired in the nearly 5 years—this will be 5 years since we passed this in October—it is the duty of the Congress to review it, and we have asked in our amendment for the President to come forth with proposals.

Mr. DURBIN. If the Senator will yield, I would like to ask a very pointed question. And I think I know the answer, but I want to get his opinion. Does the Senator from Virginia believe that today this administration is using military force in Iraq beyond the scope of our authorization for the use of force in October of 2002?

Mr. WARNER. I think the President can still act within that language right there—defend the national security of the United States against the continuing threat posed by Iraq. The Government of Iraq that existed at the time this was written is gone; that was Saddam Hussein. There is a new government there. But they, unfortunately, have not exercised the full control, the full reins of sovereignty that the people of Iraq, voting freely, have given them. We set up the structure, the infrastructure that enabled those votes to take place, and we gave them a measure of security so that they could go to the polls and vote. But, in my judgment, this language still underpins the President's actions.

I would remind the Senator, in a way, each authorization act of the

armed services, since enactment of this law, in a sense *de facto* confirms the President's authority that he is exercising under it. We never challenged him in a single—I think I counted up 4 authorization bills and probably 10 different appropriations bills that have been passed authorizing the President to use these funds.

Again, it is sort of *de facto* recognition that the language still stands. But my thought is that the American people, the world is entitled to Congress addressing it and, hopefully, we can resolve it and put down in greater detail the authority that the Congress wishes to give the President as he moves forward, having hopefully given the Congress the benefit of such revisions in policy as he deems necessary in early October this year.

Mr. DURBIN. I might say to the Senator from Virginia, I am going to yield because I wish to allow the Senator from Michigan, if he wishes, to continue this colloquy. But I wish to say what the Senator from Virginia has said is troubling to me as an individual Senator in this regard. I was one of 23 Senators who voted against the authorization of the use of force in Iraq. I believed it was wrong. My position did not prevail.

Mr. WARNER. That is this bill we are discussing became law.

Mr. DURBIN. The majority position in the Senate at that time, even the majority position on my side of the aisle, voted for the authorization of force.

I had believed, and this goes back to earlier service in the House, that once Congress has spoken before the Nation, we move forward together. That is why I have supported the appropriations necessary for the forces in the field, even though I disagree with the policy and voted against the authorization of force. I have always believed they deserve to have the training, the equipment, whatever is necessary, to come home safely.

I would say to the Senator from Virginia, his observation a moment ago is troubling. I don't wish to put words in his mouth, but when I asked whether we were asking beyond the scope of the original authorization, the Senator from Virginia said that with each subsequent Defense authorization bill and appropriations bill, we were reauthorizing. I use that word, but I don't want to presume the Senator said that word. That is how I interpret it.

Mr. WARNER. I said those words. I stand by those words. I said "*de facto*" because there was every available means in the course of the debate on our authorizations bill for colleagues to come and challenge this. No one did.

As a matter of fact, the first reference to this occurred when I was chairman of the committee and I remember, it was last fall—I think it was General Abizaid, I asked him about this very provision. It is in the RECORD. I said I was concerned about whether there was an obligation of Congress to

go back and review this language and determine whether it comports with the various missions he was performing at the direction of the President.

I can't recall exactly what his responses were. But I did raise this. That is the very reason I asked Senator LUGAR to join me in raising it again. I think it is incumbent upon the Congress to debate it. But we certainly have passed by and legislated many times, with full knowledge that this is the basis on which the funds we have appropriated are being utilized for the forces.

Mr. DURBIN. I might say to the Senator from Virginia, I have been asked to file a motion, which I am going to do at this time. I will send this to the desk.

Mr. WARNER. Madam President, we will go off the colloquy for that purpose?

AMENDMENT NO. 2252 TO AMENDMENT NO. 2241

Mr. DURBIN. Yes. I send an amendment to the desk.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 2252 to amendment No. 2241.

The amendment is as follows:

At the end of the amendment add the following:

This section shall take effect one day after the bill's enactment.

Mr. DURBIN. Madam President, I ask unanimous consent that no motions to commit be in order prior to the cloture votes on Wednesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Madam President, I yield the floor and thank the Senator from Virginia.

Mr. WARNER. I thank my colleague. We did get part way into one of the pending amendments, and that is the amendment of Senator MCCONNELL. I wish we had gotten one paragraph further and that is the National Intelligence Estimate, its conclusions. As a matter of fact, I understand another updated intelligence estimate is soon going to be received by the Congress and the American public. The National Intelligence Estimate states:

Al-Qaida would attempt to use Anbar province to plan further attacks outside of Iraq; Neighboring countries would consider actively intervening in Iraq; and

Sectarian violence would significantly increase in Iraq accompanied by massive civilian casualties and displacement.

That is my concern with the Levin amendment. If we go in and announce with concrete law as to what our tactics should be, and we have this fixed timetable, with all due respect to my friend, I cannot support that.

I thank my colleague.

Mr. DURBIN. I thank the Senator from Virginia and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, we are talking about some very serious

issues that impact the life and safety of our soldiers whom we have called on to serve us in Iraq. It is a matter the American people care about, and we owe them the most careful study.

To my distinguished colleague, the assistant Democratic majority leader, Senator DURBIN, I would say one thing about a change in strategy. We voted to change our strategy. We voted 80 to 14, 53 days ago, to change our strategy, to send General Petraeus and fund the surge that is going on in Iraq. That is our strategy. We just voted on this. In fact, a few weeks ago, the last part of that surge arrived in Iraq. What, are we going to change it again, this month?

Later this week, we will vote on the Levin amendment to decide whether to change, again, our strategy in Iraq. Changing strategy by Congress during a time of war, particularly making changes that are opposed by the military and our Commander in Chief, is not a small matter. Our decisions deal with war and how to achieve peace and will affect the safety and the mission of those magnificent men and women who now serve us in Iraq.

For the busy American, the casual observer, and even the world citizen, it may be this is an appropriate time to vote on this subject again. Certainly, the frustration in our country and inside all of us is high and we are deeply concerned.

I would note that I think all of us agree that quite a number of errors have taken place in our military actions in Iraq. I suggest perhaps the most serious error was our belief that we could, too readily, alter this Government in Iraq and create a new government that would be effective virtually overnight.

That is contrary to good, conservative principles. These people in Iraq have never had a heritage of a functioning government other than brutality, and it is very difficult to do. I think we are finding out it is very difficult to do. It can't be done as quickly as many of us would like to have thought when this activity was begun some years ago.

But with regard to this change in policy, I suggest the Members in the Senate know better. We know it is not appropriate to be changing our policy again. We know that any nation, especially one that aspires to be a great nation, must deal with these life-and-death matters with maturity and sound judgment. We know if we were to lift our eyes off politics and emotion, that our country, striving to do good, is facing a most difficult challenge in Iraq. Things have not gone well. Our terrorist enemies are watching our politics with great interest. Sometimes they play us like a Stradivarius. And so our allies are watching. So, indeed, is the whole world. The terrorists are quite sophisticated and strive to produce a continuous series of bloody headlines to affect American public opinion. Our judgment, our character,

our principles, our very souls are being tested. But this Nation has faced tough times before.

Don't we remember the history of Washington at Valley Forge or the burning of our own Capitol by the British in 1812 or the brutal bloody Civil War or the massive deaths in World War I or the attack on Pearl Harbor or the Italian campaign, the ferocious battles for Iwo Jima, Okinawa, D-Day, the Battle of the Bulge or the Chosin Reservoir in the Korean war? These are major moments in American history, and blunders in strategy and tactics and timing occurred in almost every one of them. Many errors occurred. Failures that cost lives unnecessarily, placed our Nation at greater risk than was necessary. But that is the nature of war.

Enemies lose a great deal of sleep trying to figure out what the weaknesses are of their adversary and trying to exploit that, and frequently they are successful, to a point. But certainly it is appropriate, even in times of war, that the Congress question and challenge the Commander in Chief and our military generals. But that challenge must be, no matter how vigorous, responsible, and honest. Our domestic politics are quite partisan, true; and, frankly, I have been a little disappointed at the nature of the debate I have heard this afternoon. Republican this and Republican that and President Bush this and President Bush that—it sounds more like politics than a sincere effort to reach the proper decision about what our future course should be.

Still, no one should deny that a congressional response to a war, a war that over three-quarters of us voted to authorize, should rise above political gain. With some exceptions, this Congress I think has done so.

Truly, there is great concern in our land about the war in Iraq. It is real and justified. I readily admit my concern. I will admit I am not able to state with certainty today what our long-term course should ultimately be or how this will all play out in the end. Therefore, I do not contest the sincerity of those who will disagree with my conclusions.

I can only state my views honestly and forthrightly because that is what I have been elected to do, and that is what our soldiers who depend on us for support expect of me.

First, I strongly believe this Nation cannot flop around, changing its policy from month to month. That would be immature. It would result in bad execution of this military effort, this war. It would demoralize our soldiers who are walking the streets of Iraq this very moment because we sent them there.

Additionally, this Congress funded their military operations. We funded them. Our duly elected President, our Commander in Chief, has directed the policy with the advice of his commanders in the field. That is what it is.

That is what is going on. That is what is happening.

Now we had a great debate in April and May over whether to fund the so called "surge" that President Bush and the Defense Department requested. This is the surge that has, a few weeks ago, reached its full strength. After the full debate, Congress could have said no to the President on his request for the surge and not provided those funds.

Fourteen Senators did vote no. But we said yes by an overwhelming vote of 80 to 14. On May 24, less than 2 months ago, we authorized the surge and, more importantly, we passed an emergency supplemental to fund this surge. Nothing required us in Congress to do that. We concluded it was the right thing to do, considering the serious alternatives that existed.

Because of the concerns we all had at that time, we required an interim report on July 15th, which has been received on time. We also called for a complete report from General Petraeus, in September, on the status of his efforts and our soldiers' work.

Of course, we had voted to confirm General Petraeus by a vote of 99 to 0 to command this operation. There was no mistake then concerning the seriousness of the situation we were in. As General Petraeus described the challenge:

It is difficult but not impossible.

We were in no way misled about the difficulties we faced, nor were we unaware of the most serious ramifications of a failure in Iraq.

Thus, on May 24, this Congress, with an overwhelming majority, said: Let's go with the surge. But we said: General Petraeus, we will expect you to give us a full, complete, and honest report in September as to how it is going with the good and the bad, and set out specific benchmarks we want you to address. That he promised to, do, and off he went.

Yet even before the personnel who were to be deployed to effect this surge had even arrived in Iraq, the Democratic majority leader, Senator REID, who voted for the surge, to my dismay, declared it a failure. While the troops were still arriving, the Democratic leader, the majority leader of the Senate, declared the surge a failure.

To me it is unthinkable that this Congress would pull the plug on this operation before it has had a fair chance to work, and we have had a fair chance to evaluate its effectiveness. We voted for it 53 days ago. What must the world community think, friend and adversary alike? Does not such immaturity of action reflect poorly on us as a nation? Nothing has occurred since that time of decision in May to justify concluding that the situation in Iraq has significantly changed for the worse? In fact, there are indications that some improvements have occurred. We know that General Petraeus, last year, after two tours in Iraq, 2 years over there, came home and last year wrote the Department of

Defense doctrine on how to defeat an insurgency. His expertise was much noted when we confirmed him to go take charge of the soldiers, sailors, airmen, and marines who would effectuate this effort. Nowhere in his manual did he ever suggest an insurgency could be defeated in 50 days, or 90 days, or 120 days.

Victory, we must admit—if you read his manual—takes time, diligence, determination, and smart application of politics, weaponry, and forces. His manual sets out methods for how to achieve victory against an insurgency, the methods for victory.

There is simply no basis at this point to conclude that our soldiers, sailors, airmen, and marines have failed in executing this policy. In fact, they are moving out with vigor. After seeing a reduction of sectarian violence in Baghdad by two-thirds. This is the sectarian violence, the murders that were occurring between hit squads, Shia and Sunni, as a result of the violence kicked off by the attack by al-Qaida on the Samara mosque, and their determined, effective policy to create violence between the Shia and the Sunni. That is what al-Qaida set out to do, and they succeeded last year.

We have seen that drop by two-thirds, although bombings still occur, and the bombings are suicidal, many times with large bombs that kill large numbers of civilians in shopping areas. But today some of our troops are moving out of Baghdad into the toughest areas outside Baghdad, such as the Dyala Province, and making, it appears, progress there.

As our soldiers confront enemy strongholds, some of which have never before been cleared, they demonstrate professionalism and courage that reflect the finest qualities that have ever been demonstrated by American soldiers.

Nor, let me add, has anything occurred that suggests this new strategy is flawed and will not succeed and should be abandoned 53 days since we agreed to see it forward.

So with respect, I conclude it would be irresponsible in the extreme to have this bunch of politicians sitting in air-conditioned offices in Washington reverse a strategy we approved 53 days ago. But that is exactly what the Levin-Reed amendment would do.

I have tremendous respect for Senator LEVIN. He is a superb chairman of the Armed Services Committee. But I do not agree with him on this point. I do not believe this is right.

If you were a soldier or a marine and you had just moved into a tough terrorist neighborhood in Iraq, following the directions given to you by your President and your Congress, and you saw your comrades take casualties, maybe killed in the course of executing that policy, all in the belief that somebody up there back in Washington had finally settled on a workable plan for victory, and then before your work is half done, in less than 2 months, you

learn the folks up there had now changed their mind again, how would you feel? Wouldn't you think we do not take our mission of our soldiers and what they are doing seriously?

We owe our military better than that. We owe them the same courage and character they are displaying right now. On the birthday of our Army, I was at a celebration and met a young soldier. I thanked him for his service and began to explain my concern about the long deployments we were asking them to undertake. He cut in, saying, "Senator, we just want to win." Before all that is just, this Congress must not fail such men.

The Levin amendment is pernicious in more ways than I am able to discuss at this time. It must not pass. We know a full review of our policies will occur in September. We agreed on that in May. That is critically important and valuable. I support such a review. I am open minded about what we will decide to do in September.

I hope and pray we will be able to reduce the number of our soldiers and begin a mature, effective way to reduce that deployment in Iraq, but we will decide our next step then. To execute a precipitous withdrawal from Iraq now, regardless of the conditions on the battlefield, and regardless of the advice of our commanders in the field, is unthinkable. It would be a stain on this Senate for years to come.

Has anybody bothered to express an interest in what General Petraeus has to say about it? Things don't always go well. My favorite statue in Washington is one that conveys the most historical import, I think, the one of General Grant right down here in front of the Capitol. He sits astride his horse, his campaign hat pulled down, his coat wrapped around, his head tilted slightly forward, a perfect picture of determination in the face of great difficulty.

It is said 600,000 died in that war on both sides. Over 440,000 Americans died in World War II. This Nation has seen dark days before, days darker than these. So let's keep our poise and our wits about us. Let's give General Petraeus and his courageous military personnel a chance to effect the strategy we agreed on and asked him to effect.

There are other important issues I will suggest to my colleagues as we discuss the Levin amendment. I will note a few briefly.

The surge report. The language in our affirmation of the surge in May called for a report that had benchmarks for improvements in Iraq. Those benchmarks have been much commented upon, but these benchmarks for improvement did not declare that all or any of the benchmarks must be met by September or even by July 15, the time of our interim report. They were to be objective markers by which we could judge progress and lack of it, and they were surely not exhaustive of every issue and challenge we faced in Iraq.

The fact that progress has been made in only half of those benchmark areas does not mean, of course, we should now up and declare the new operation a failure and that we should now cut and run. How could anyone conclude this July 15 report that shows limited early progress in only some areas means General Petraeus has failed? All the extra soldiers arrived there only 3 weeks ago.

It is also important to note that the benchmarks seemed to focus on the performance we wish to see by the central government, and they have not been meeting their responsibilities, in my view. I had my sixth visit there this spring. I was able to share that view and that frustration of the American people with the top leaders in Iraq, including Prime Minister Maliki. We believe they need to do more in the central government.

But, for example, the benchmarks provided no credit at all for the stunning progress that has occurred in the al-Anbar region, progress that has resulted at the ground level where Sunni tribal leaders have partnered with the marines to rout whole groups of al-Qaida operatives.

Similar progress, though smaller, it appears, seems to be occurring in other areas at the local level. So the benchmarks do not consider those events and whether progress is being made, but they are important as we evaluate what our situation truly is. We must remember that while sectarian violence continues, and it has occurred in large part as a direct result of al-Qaida's strategy to foment it, safety and security in the capital city is important in furthering political reconciliation.

I wish I could agree with the idea of my able colleague Senator LEVIN when he declared that peace and security in Iraq can only come as a result of a political settlement. Thus, he would suggest if a parliament cannot settle all of the difficult political issues on the timetable we set, we must leave, because this is the only thing that will make them agree on policy, our threatening to leave, and our actual leaving, it appears, because his amendment would require an actual departure from much of Iraq.

Well, I wish it were so easy. But, in truth, our commanders believe, our State Department believes, and I believe, it is far more complicated than that. Of course, a political settlement and reconciliations are critical to any long-term stability. But will not a reduction of violence and a more secure Baghdad be an event that will make political progress more possible? That is what the generals are telling us, that when the capital city is in a constant state of violence and disorder, how can we expect the Parliament to be able to function and to provide a peaceful settlement of the disputes that need to be settled long term for a healthier Iraq?

I think we have a new strategy. We voted on it 53 days ago. We agreed to

fund it. That is what the Congress does, we either put up the money or we do not put up the money. By a vote of 80 to 14 we put up the money to fund this strategy. We asked for a report in September, and now we have an amendment that has garnered quite a lot of political headlines and provided a lot of forums, a lot of ability to come forward on the floor of the Senate to attack President Bush and Republicans, but it is not a very responsible thing.

The responsible thing is for us to do what we said 53 days ago—to demand a full, complete, and honest report by General Petraeus in September, and at that point to evaluate the situation in Iraq and establish a strategy and a policy going forward from there that serves our national interest.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to discuss an amendment I can't offer right now because of the parliamentary situation, but I would like to discuss the amendment with my colleagues so they know it is coming and what it does.

My amendment to the Department of Defense authorization bill is meant to strengthen our efforts to verify if people in the United States are here legally to do their work. It deals with the Department of Defense because when it comes to the Department itself and to contractors who do Defense Department work, we ought to make sure that everybody who is working here has been here legally. That is for two reasons: One, because that is what the law says. You should not be in the country if you don't have the permission of our Government legally to be here. No. 2, one of the things we are concerned about in enforcing of the immigration laws is to make sure that terrorists don't get into the country. We should be particularly concerned that we don't have people with terrorist connections working for our contractors or working for the Government itself.

Without a doubt, we have an illegal immigration problem. That was evident from the legitimate hoorah people raised against the bill and against the amnesty provisions of it and the 2 weeks of debate we had this spring on the issue. People are crossing our borders each day to live and work in the United States. Some of these individuals may have innocent motives but some may not. There may be some illegal or undocumented individuals living in the shadows who aim to bypass law enforcement and do our country harm. We don't live in a pre-9/11 world anymore, so we must do all we can to protect our country and our assets.

My amendment would do two things. First, it would require all Federal Government agencies and departments to use what we call the basic pilot program, also known as the Electronic Employment Verification System. This would be for all departments of Gov-

ernment. I will soon demonstrate that a lot of departments are already doing it. But we ought to, particularly in a bill such as this, make sure the Department of Defense is using it in every respect.

The second part of the amendment would require all Department of Defense contractors to use the basic pilot to check the eligibility of their workers. The reason this is needed and why it is appropriate in the bill before us is, the Immigration Reform and Control Act of 1986 makes it unlawful for employers to knowingly—and I emphasize "knowingly"—hire and employ aliens not eligible to work in this country. It required employers to check the identity and work eligibility documents for all new employees.

Today, if the documents provided by an employee reasonably appear on their face to be genuine, then the employer has met its document review obligation, and it has reason to believe it hired somebody who was legally in the country. So they are off the hook. They can't be fined or any other action taken against the employer. But beyond those documents, the employer cannot solicit any additional documents from the worker, or they would face allegations of employment discrimination. The easy availability, as we all know, of counterfeit documents has made a mockery of that law that we passed in 1986 which, quite frankly, I was here and I voted for. We thought it would solve all of our problems.

Well, we went from 1 million people being here illegally to 12 million people, so obviously it didn't solve anything. That is because fake documents are produced by the millions and can be obtained cheaply. Thus, our immigration policies benefit unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met the legal requirements, and then the word "knowingly" being in the law, if they have reason to believe legally, even if they are here illegally, unless the employer knows absolutely they are not here illegally, then they are off the hook. The problem is, you have a lot of these employers who know that even though the documents are fraudulent, that the person is here illegally, they hire them and never get caught. So we have tried to put this basic pilot program in place to be one step beyond where we were in 1986.

Now at the same time, our policies harm employers who don't want to hire illegal aliens but have no choice but to accept those fraudulent documents that they know have a good likelihood of being that way. In response to the illegal hiring of immigrants, Congress created this basic pilot program in 1996. This program allows employers to check the status of their workers by checking one's Social Security number and alien identification number against the Social Security Administration and Homeland Security databases.

Since 1996, the system has been updated and improved. It is a Web-based

program. Employers can go online quickly and very easily when hiring an individual. It has been voluntary since its inception.

The basic pilot program was originally authorized in 1996, reauthorized in 2001, and expanded and extended again in 2003. Originally, the authorization allowed six States to participate. In 2003, the extension allowed employers in all 50 States to voluntarily use the program. The immigration bill before the Senate I have already referred to, last year and this year, would have required all employers to use the basic pilot program over a period of time, meaning phasing it in. Both the administration and Congress were poised to pass legislation mandating participation and argued that this employment verification system using Social Security was crucial to enforcing the laws on the books and getting around this problem of fraudulent documents. Moreover, during the debate on immigration this year, it was argued that the system was a needed tool for employers to check the eligibility of their workers.

I had an opportunity to have a meeting way back in January of this year with Secretary Chertoff about requiring all agencies to use the system and extending the requirement to contractors that do business with the Federal Government. The Department of Homeland Security responded by saying that 403 Federal agencies are participating in the basic pilot program. Moreover, the Department claimed it was exploring ways to verify all executive branch new hires, and its goal was to ensure that all new hires in the executive branch are verified through the basic pilot program by the end of fiscal year 2007; in other words, 3 months from now.

Currently, all congressional offices are required to use the basic pilot program. My office uses this process of checking everybody who applies to work for me, and if we are going to hire them, check with the basic pilot program—in other words, Social Security—to make sure that everything matches up. Since more than 400 agencies are already using it, including congressional offices, requiring all agencies beyond the 400 to participate would seem to me to not be overly burdensome and something we ought to do if we want to make sure we don't hire people who are here illegally; and, No. 2, that the Federal Government would set an example for other employers; and, lastly, as the effort to control the border has something to do with stopping terrorists from coming to this country, to make sure that we don't have people like that working for the Federal Government.

With this goal in mind of Homeland Security to do this for all executive branch hires by the end of this fiscal year, it seems to me to be reasonable to make sure we move to make sure that it is done. My amendment, then, clarifies, as I see it, what is existing

law—that all agencies and all departments must use the basic pilot program and verify the status of their workers. My amendment is needed to push their participation in this program.

Congress and the administration would then set an example for the rest of the country. My amendment would also require those who do business with the Department of Defense to use the basic pilot program.

This gets to the second part of the bill that deals with contractors working for the Federal Government, working for the Defense Department. There have been many examples of people here illegally working at military bases and installations in the past few years. There have been instances where Government contractors are employing people who are here illegally and allowing them to work in sensitive areas. I will share some examples.

In April 2005, 86 of 167 employees of a company called Naval Coating Incorporated were found to be hired illegally. This company was a military contractor that painted ships at naval stations San Diego. More than half of this company's workers were people here illegally. Yet our Department of Defense was doing business with this company that had more than half of its people illegally employed because they were here illegally.

Last year, hundreds of illegal workers were found working for a Texas company which makes millions of ready-to-eat meals for our troops in Iraq. Last July, U.S. Immigration and Customs Enforcement arrested more than 60 illegal immigrants at Fort Bragg in North Carolina. In January of this year, the Immigration and Customs Enforcement Agency arrested nearly 40 illegal immigrants hired by contractors working at three military bases: Fort Benning, Creech Air Force Base, and Quantico Marine Base. One of the illegal workers was reportedly a member of the dangerous MS-13 gang.

While the Immigration and Customs Enforcement Agency has done its job to find unauthorized workers at secure sites, illegal aliens should not be hired in the first place. One way to get at the problem is to require them to use this basic pilot program up front like every congressional office does, or at least is supposed to do under the law. That is why my amendment is needed, requiring that those who do business with the Federal Government should be held to the same standard as our executive department agencies, of which as I said, 400, according to Secretary Chertoff, are already doing it. So you might say that half of my amendment may not be needed because he wants them all to do it. But I think we are better off if the law says that they do it, and so I included that in the amendment.

So we need to do this like other people in Government are doing to make sure it is done because we need to have the Federal Government setting an example requiring those who do business

with the Federal Government to be held, then, to the same standard as our executive department agencies. This amendment will provide the tools to all employers who work with the Department of Defense and require Government agencies to lead the Nation in verifying its workers.

I know now the parliamentary situation is such that I can't offer this amendment at this point. I want to explain to everybody as I have—and why I come to the floor now—so that before this bill is voted on final passage, I think before the end of this week, we will have a chance to deal with something that I see as very important from the standpoint of making sure that laws are abided by, making sure the Federal Government as an employer is setting a good example, and making sure that we in this country use all the tools necessary to make sure that people who work for anybody using the Social Security system as that tool are here legally and can then be employed. It overcomes, then, the problems we have with fraudulent documents and, lastly, securing our borders.

Who wants to work here should be a tool to make sure terrorists are not working for anybody who works for the Government, meaning a government contractor or for a government agency. Particularly, that ought to be of most concern to us that we do not have that type of person working for the Defense Department—because of national security—or contractors who are doing work for the Defense Department, which is central to our national security.

I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The distinguished Senator from Iowa.

Mr. HARKIN. Mr. President, I have come to the floor today to reiterate my intention, along with the senior Senator from California, Mrs. FEINSTEIN, and the senior Senator from Nebraska, Mr. HAGEL, to offer legislation to close the U.S. military prison at Guantanamo Bay, Cuba.

Now, again, we have decided not to offer the measure on the bill before us, the National Defense Authorization Act. But we certainly will be offering it as an amendment to the Defense appropriations bill when that bill comes to the floor. One way or another, we intend to get this legislation passed this year.

I think there is remarkable agreement on the need to find a way to close this prison. All our closest allies have urged that Guantanamo be closed, as have many leaders from across the political spectrum in the United States.

Last June, after three detainees committed suicide in a single day, President Bush acknowledged the prison has damaged America's reputation abroad. He said:

No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President said:
I'd like to close Guantanamo.

More recently, Secretary of Defense Bob Gates and Secretary of State Condoleezza Rice have urged the prison be shut down.

On March 23, the Washington Post, citing "senior administration officials," reported that Secretary Gates had "repeatedly argued that the detention facility at Guantanamo Bay, Cuba, had become so tainted abroad that legal proceedings at Guantanamo would be viewed as illegitimate."

According to the Post, Secretary Gates "told President Bush and others that it should be shut down as quickly as possible."

Let's make no mistake about it; the current detainees at Guantanamo do include a number of extremely dangerous terrorists, with the determination and ability—if given the opportunity—to inflict harm upon the United States and its citizens. Among the detainees are 14 senior leaders of al-Qaida, including Khalid Shaikh Mohammed, who has confessed to being a mastermind of the September 11 attacks, as well as others. We must—and we can—hold these enemy combatants in maximum security conditions elsewhere.

But the critics of Guantanamo are right. The 5-year-old prison at Guantanamo is a stain on the honor of our country. By holding people at Guantanamo without charge, without judicial review, without appropriate legal counsel—and in the past subjecting many of them to what amounts to torture, regardless of how you want to dress it up—by doing all those things, we have forfeited the moral high ground and stand as hypocrites in the eyes of the world.

As Secretary Gates has argued, any legal proceedings or convictions now taking place on Guantanamo will be viewed as illegitimate in the eyes of the world.

Perhaps most seriously, from a pragmatic standpoint, maintaining the prison at Guantanamo is simply counterproductive. It has become a propaganda bonanza and recruitment tool for Islamic fundamentalists. It alienates our friends and allies. It detracts from our ability to regain the moral high ground and rally the world against the terrorists who threaten us.

The administration has repeatedly described detainees at Guantanamo as "the worst of the worst," or, as former Secretary of Defense, Donald Rumsfeld, once described them, the "most dangerous, best-trained, vicious killers on the face of the earth." Unquestionably, some of the detainees fit these descriptions. However, an exhaustive study of Guantanamo detainees conducted by the nonpartisan and highly regarded National Journal, last year, came to the following conclusions:

A large percentage—perhaps the majority—of the detainees were not captured on any battlefield, let alone on "the battlefield in Afghanistan," as President Bush once asserted.

Secondly, fewer than—fewer than—20 percent of the detainees have ever been al-Qaida members.

Third, many scores—and perhaps hundreds—of the detainees were not even Taliban foot soldiers, let alone al-Qaida members.

Fourth, the majority of the people at Guantanamo were not captured by U.S. forces but, rather, handed over by reward-seeking Pakistanis and Afghan warlords and by villagers of highly dubious reliability.

For example, one of the detainees in Guantanamo is a man who was conscripted by the Taliban to work as an assistant cook. The U.S. Government's "evidence" against this detainee consists, in its entirety, of the following—keep in mind, the evidence against this detainee consists, in its entirety, of the following—

a. Detainee is associated with the Taliban.
i. The detainee indicates that he was conscripted into the Taliban.

b. Detainee engaged in hostilities against the U.S. or its coalition partners.

i. The detainee admits he was a cook's assistant for Taliban forces in Narim, Afghanistan under the command of Haji Mullah Baki.

ii.

Get this—

ii. Detainee fled from Narim to Kabul during the Northern Alliance attack and surrendered to the Northern Alliance.

That is it. That is the evidence they have against this detainee. He was forced by the Taliban to be a cook. When he saw his opportunity to get out of there, he escaped and went to the northern forces and surrendered to them. Now he sits in Guantanamo.

What kind of justice is this?

Well, the situation at Guantanamo is rather personal with me. Not only was I stationed there for some time back when I was a Navy pilot—and I have since been back, of course, to visit—but more personal, in July of 1970, I was a rather young staff person for the Select Committee on U.S. Involvement in Southeast Asia of the House of Representatives. I was working with a congressional delegation on a factfinding mission to Vietnam in the summer of 1970, and through a series of circumstances—and because of the bravery of a young Vietnamese man who had been in the tiger cages on Con Son Island and who was let out—now, why was he let out? Because usually when you got to the tiger cages, you were never seen again.

Well, the South Vietnamese had these prisons put up on Con Son Island. Actually, they were built by the French when the French ruled Indo-China. So the French built these prisons on an island off the coast. The Vietnamese took them over and then built these so-called tiger cages, which were hidden within the prison so no one could find them.

Cao Nguyen Loi was sentenced to the tiger cages because he led a student protest at Saigon University. He was the student leader at Saigon University in 1969, early 1970. Because he led

a protest against the war, the police picked him up. The South Vietnamese Army picked him up and sent him out to Con Son Island.

No one knew who he was. But the students refused to go back to class until their student leader was released. It was time to take the exams, and this was a big deal for families. They were putting pressure on the university, and finally the Government let Cao Nguyen Loi go. They told him at the time, though, that if he ever said anything, they would kill his brother because his brother was also in the tiger cages.

Well, this young man, very bravely, sought me out, along with Don Luce. Don Luce was a young man who I think at that time had been working for the World Council of Churches in Vietnam. If I am not mistaken, I think he was a native of Vermont. Yes, Don Luce was a native of the State of Vermont. He had been over there teaching the Vietnamese how to grow sweet potatoes, agricultural things.

Well, Don Luce had known this young man. I had sought out Don Luce because Luce had written a book about Vietnam called "Vietnam—The Unheard Voices." So in preparation for this trip to Vietnam, I read the book because I felt that Congressmen should hear both sides. So I read this book. I never met Don Luce before, but I was intrigued by this book, that there was a large sector—I questioned at the time—of South Vietnamese who were opposed to the war. We were led to believe quite differently, of course.

So Don Luce brought this young man to see me to tell me about the existence of the tiger cages. These tiger cages had been rumored for a long time. In fact, the year before, in 1969, a young Congressman by the name of John Conyers went over with a Congressman, I believe it was Father Drinan, Bob Drinan, and they had inquired about the existence of the tiger cages. They were told this was Communist propaganda, no such thing existed. Our military denied it. The Nixon administration denied it. The South Vietnamese Government denied it: There was no such thing. This was Communist propaganda.

Well, this young man, who came to see me, said: They are out there because I was in them. But they told me if I talked, they would kill my brother, so I have to place my trust in you because someone has to expose them. I said: Well, I don't know if I could or not because I would have to get a couple of Congressmen to go out there. It was on an island. We had to get a plane, fly out to this remote island. It would take a whole day. Then he told me: You would not find them unless you have a map. I will draw you a map. So he sat down and he drew me a map of how to find the tiger cages. He said: Because, you see, there are a lot of prison camps on Con Son Island. There are about five different prison camps and they all look the same. Unless you know what you are looking for, you

will never find the tiger cages, because they are in one prison camp and you have to know how to find them. He drew me a map. He couldn't quite remember exactly, but he knew to look for these certain symbols, these certain signs, these certain things he remembered. So I took the map.

I then went to see Congressman Gus Hawkins of California and laid this out for him and said there might be a possibility that we could find out once and for all whether these tiger cages existed. He said he would go. We needed another Congressman. William Anderson, Congressman William R. Anderson from Tennessee, when he heard the story, said: I will go.

Keep in mind, Congressman William R. Anderson had until that time been a supporter of the Vietnam war. He wrote a book once, which is one of my favorite books. It was called "Nautilus 90 North." This same Congressman Anderson was the first skipper of the first nuclear submarine called the Nautilus. He was a very famous guy at the time because he was the first one who took a nuclear sub underneath the North Pole and he wrote a book about the Nautilus submarine called "Nautilus 90 North." He retired from the Navy and was elected to the House from Tennessee.

Congressman Anderson, Congressman Hawkins, and I took off with Don Luce. We went out to the islands. I am not going to give you the whole story, but armed with the map, we were able to find the tiger camps. When we found them, we were told by one Red Walton, who was the USAID director—public safety director—that we had no business being there. Oh, I might say, before we got out there, this same Red Walton had told us these prison camps were more like a Boy Scout camp. They took us to some of the prison camps and they weren't all that bad for prisons, I guess. But again, armed with a map, we found the tiger cages and the suffering that we saw there, the inhumanity we saw there, was something you never shake. I was armed with a camera. I had my camera, so I took pictures. Of course, we had two Congressmen, William Anderson and Gus Hawkins, there.

Armed with that information and coming back to the States, we published the pictures and got the story out. It became a worldwide story. The prisoners were released because of the pressure that was put upon the South Vietnamese government. They then began to tell their stories. But there was one picture I took that was in Life Magazine. It was of a young Buddhist monk who looked up through the bars of these tiger cages as we looked down on him, and he said in Vietnamese—we had Don Luce as an interpreter—he said: I am here for only one reason: Because I speak out for peace, and no matter how long I stay here, I will continue to speak out for peace.

I took a picture of that young Buddhist monk. Yet before the prisoners

were all released, he was beaten to death.

While I have since gone back to Con Son Island and visited his grave, the tiger cages are now a memorial, like a museum for people to see, of all the horrors they inflicted on so many hundreds of people. People were shackled together in awful conditions—awful conditions.

This weekend I was handed a paper done by Vaughan Bagley. I visited with her. She was doing a paper on the tiger cages of Con Son. She wrote a paper about it. She did some very good research. Vaughan is a high school student, but she did a lot of great research. She went back and looked at all of the congressional hearings that were held on this, and she quoted Representative Hawkins. Representative Hawkins stated at the congressional hearings in 1970:

Con Son is a symbol of how some American officials will cooperate in corruption and torture because they too want to see the war continued and the government they put in power protected.

Well, as she went on to point out, she said:

Unfortunately, however, in their democratic crusade, America lost the very principles of freedom and equality that they purported to defend, and ultimately violated Article 13 of the Geneva Accords of 1949.

A former prisoner testified that the clear violation of these principles:

No matter what medical problem the prisoner has: TB, Diphtheria, he is still thrown in with all the others who are not sick, all eat out of the same bowl, sleep together, shackled to the same rope. I know of no other place on Earth where human lives are so cheap as in Con Son.

Congressman Hawkins argued: Con Son is the type of not looking at our own faults and atrocities that endangers our American prisoners of war held by the Communists.

Vaughan Bagley did a great job on her research. What she pointed out in her paper was that in our pursuit of democratic ideals and democracy around the world, we can't condone, harbor, or support places like the tiger cages of Con Son Island, Abu Ghraib, or Guantanamo Bay, Cuba.

I tell this story because now I think my colleagues get some idea of why I feel so strongly about Guantanamo. It has for me the same smell, the same awful vision of Con Son Island. You see, in both cases these prisons were off on remote islands. Why? Well, to keep away the press, to keep people from asking questions about what was going on. Once you were taken off the island, chances are you were never seen again.

That is what has happened at Guantanamo. Guantanamo has become the United States Con Son Island. It has become like the tiger cages on Con Son Island. The more the world knows about it, the harder it is for us to argue from kind of a morally high standpoint of supporting the Geneva Conventions or the rule of law.

Well, at the time of the discovery of the tiger cages, the United States Gov-

ernment had been insisting that the North Vietnamese abide by the Geneva Conventions. Yet here we were condoning, funding, and supervising the torture not only of Vietnamese prisoners of war but of civilians. People such as this young guide who was caught up and held by the Taliban as a cook, who escaped, who probably didn't want to fight for anybody—a clear violation of the Geneva Conventions.

There are disturbing parallels between what transpired on Con Son Island nearly four decades ago and what has happened at Guantanamo in recent years. As I said in both cases, prisons were deliberately set up on remote islands, clearly with the intention of limiting scrutiny and restricting access. In both cases, detainees were not classified as prisoners of war, expressly to deny them the protection of the Geneva Conventions. In both cases, detainees were deprived of any right to due process, judicial review, or a fair trial. They were simply held indefinitely in isolation in legal limbo. In both cases, when the mistreatment of detainees was exposed, the United States stood accused of hypocrisy and of betraying its most sacred values and violating international law.

We need to reverse the damage Guantanamo has done to our reputation and to our ability to wage an effective fight against the terrorists who attacked us on September 11 of 2001. The essential first step must be to close the prison at Guantanamo as expeditiously as possible. The legislation that Senator FEINSTEIN, Senator HAGEL, and I have would accomplish this within 1 year of the date of enactment.

Under the provisions of our legislation, one, the President shall close the detention facility at Guantanamo Bay. All detainees shall be removed from the facility. No detainee shall be transferred to a detention facility under U.S. custody located outside the United States.

We heard all about these other little prisons around the world that, well, maybe they are held by other countries, but they are supervised by us. Our legislation says it can't be transferred there either. No later than 3 months after enactment, the President shall submit a report to Congress describing plans for closing Guantanamo and removing the detainees, and the President shall keep Congress currently informed of steps taken to implement the legislation.

That is basically our legislation. It is very clear, very straightforward. As I said, we were going to offer it on the Defense authorization bill. We have all agreed not to do so, but that we definitely will be seeing this coming up on the Defense appropriations.

In closing, on this issue, the United States has lost its way both in Iraq and at Guantanamo. We need to wage a smarter, more focused, and more effective fight against the Islamic terrorists who threaten us, and we must do so in ways that do not give credence to the

American antipropaganda and do not rally more recruits to their cause. To that end, we must close the prison at Guantanamo as soon as possible. Our amendment has won the enthusiastic endorsement of Human Rights Watch, Human Rights First, Amnesty International, and the American Civil Liberties Union. We currently have 14 bipartisan cosponsors here in the Senate. I urge our colleagues to join us in cosponsoring this legislation.

LEVIN-REED AMENDMENT

Before I yield the floor, I also want to talk for a minute on the bill—the Levin-Reed amendment—because I think it offers the best prospect for accomplishing the goals of a more focused and effective campaign against the terrorists.

For 4 long years, President Bush has said that as the Iraqis step up to their responsibilities, the United States will be able to step down. Today it is painfully clear that the opposite is the case. The Iraqi military and Government will only step up to their responsibilities once it is clear that the United States is stepping down. The Levin-Reed amendment says the United States will begin troop redeployment within 120 days and remove most American combat forces from Iraq by April of next year. This acknowledges what has long been obvious to our commanders: There can be no military solution to the mess in Iraq. At the same time, by signaling our intention to redeploy by next spring, we will create powerful incentives to force compromise within the deadlocked Iraqi Government and to compel Iraq's neighbors to play a more active and constructive role in pacifying that country.

Again, I say this only of myself, but there is no guarantee this approach will work—will succeed. There is no guarantee the Iraqis will be willing or able to compromise and come together in a genuine government of national reconciliation. However, the only certainty is that our current force is a formula for more failure, more deadlock within the Iraqi Government, more death and destruction for both Iraq and America.

New developments this past week have driven home the urgency of the change of course proposed by the Levin-Reed amendment. Last week, we learned we are now spending an astronomical \$10 billion a month in Iraq. Last week, the administration issued the required progress report on the benchmarks for Iraq. What did it show? It showed the Government in Baghdad has failed to meet any of the benchmarks for political and economic reform. The Iraqis have failed to make progress in passing a law governing the sharing of oil revenues.

They have failed to make progress in allowing former Baath Party members to return to their jobs. They have failed to make progress in disarming the militias. They have failed to make progress in organizing new provincial

elections. Indeed, the only thing the Sunnis, Shiites, and Kurds have agreed upon in Parliament is that they will go on vacation during the month of August.

Now, there was one glimmer of good news in the report, and that was, the U.S. military has had some success since January in improving the security situation, although the overall levels of violence and mayhem are unchanged. Well, limited success should come as no surprise to anybody. We all appreciate the professionalism, courage, and capability of our Armed Forces. It would be astonishing if an additional 30,000 troops didn't see at least some small improvement in security.

There is one unfortunate thing about this. These modest gains are all being accomplished by U.S. troops, not Iraqis. Because the surge is not sustainable, even these modest gains are ephemeral.

Meanwhile, a new report by the National Counterterrorism Center concludes that al-Qaida has grown stronger than at any time since 9/11. In other words, while the U.S. military and intelligence assets have been massively sidetracked in Iraq over the last 4 years, al-Qaida has been able to regroup elsewhere, with most in Afghanistan and Pakistan. As a CIA Deputy Director of Intelligence told a House committee:

We see more al-Qaida training, more al-Qaida money, and more al-Qaida communication.

Indeed, the U.S. invasion of Iraq has been the gift that keeps on giving to al-Qaida. There was no al-Qaida presence in Iraq before the invasion. Now a home-grown organization, loosely affiliated with al-Qaida, calling themselves "al-Qaida in Mesopotamia," has emerged. What's more, as previous intelligence reports have concluded, America's ongoing occupation of Iraq has been a powerful recruitment tool not only for al-Qaida, but for many new extremist organizations, some of them sprouting up spontaneously in western countries, including Britain and Spain.

So, Mr. President, we have reached an extraordinary juncture regarding the current failed policy in Iraq. We have reached the point, frankly, where either you side with the President and his demand that we stay the course in pursuit of what he calls victory—although the President has never really defined what that victory is—or you side with the American people and our military commanders who have concluded that there is no military solution in Iraq. You either support this endless, pointless war or you support a smaller, more focused campaign against the terrorists who truly threaten us. Those are the choices in the current Senate debate.

On our side of the aisle, we Democrats and the American people have made our choice to chart a new direction. I am confident that as more and

more of our friends on the other side of the aisle make that choice in the days and weeks ahead, we will ultimately prevail.

The conflict in Iraq can only be solved through political compromise and reconciliation in Baghdad and through aggressive diplomatic engagement with Iraq's neighbors and across the Middle East. So it is time to chart a new course. The approach embodied in the Levin-Reed amendment offers us our best hope for extricating ourselves from this quagmire in Iraq and retaking the offensive against al-Qaida and other terrorist groups.

I am proud to be a cosponsor, and I urge all my colleagues to support the Levin-Reed amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, let me say to my good friend from Iowa that while there are so many things in which we find ourselves in agreement as the months and years go by, in this area we find disagreement. I have to say this. I wasn't going to mention Guantanamo, but since that is a subject of interest to everybody—and it certainly has the interest of the Senator from Iowa—I only mention this. I have done this before on the Senate floor. I am very much concerned about this obsession we seem to have in this country politically to take care of these terrorists who are responsible for committing acts and killing Americans.

I was down at Guantanamo several times. One time was right after everything started escalating and they started arriving there. Everybody was concerned about the methods of questioning these individuals, interrogating the prisoners. I remember going down and seeing a lot of them doing everything they could to antagonize the troops that we had down there to police that situation. It was really kind of pitiful. You sit there and look at these people, and these are prisoners who probably have never eaten better in their lives, have never had better medical attention in their lives, have never really lived better than they are living in Guantanamo. Yet these are individuals who are terrorists. These are the worst, and some have killed Americans. We all seem to have this propensity to be more concerned about them than we are for the lives of Americans.

I want to give a different perspective. I have had the honor, I believe, of being in the Iraqi AOR—not always in Iraq, but the area of responsibility—more than any other Member. I have watched this on a monthly basis since we have gotten into this thing. As I look at it, I very carefully chose the word of "invasion" on Iraq as opposed to a "liberation" of Iraq.

I remember so well right after the first Iraqi war, I was honored to go over to Iraq the day that it was actually declared to be over. This was in Kuwait City. We had a thing called the

"first freedom flight." Tony Cohele was on that flight with me. Certainly, the Chair remembers him well.

We also had one of the Kuwaiti nobility and his young daughter with us at the time. We got there, and they were burning the oil fields. It was obscure. Even during the daylight hours you could not see anything. The Iraqis didn't know that the war was over—those who were down there at that time. I remember so well seeing the devastation.

This little girl, I think, was 7 years old at the time. They wanted to go back to Kuwait to go to their mansion on the Persian Gulf, a beautiful place, so she could go up in her bedroom and see her little dolls and animals. I remember going up there with her, and we found out that their residence had been used as one of Saddam Hussein's torture chambers. I remember going up to her bedroom with her and, in fact, that bedroom had been used as a torture chamber, one of Saddam Hussein's headquarters. There were body parts—ears, hands, just strewn all around the room. You thought: What kind of a monster could this Saddam Hussein be? This guy had spent 30 years of his life terrorizing his fellow citizens. We saw things like a little boy with his ear cut off. He was 9. The reason it was done was he had a little American flag in his pocket, and I guess they found that on him, and they considered that to be inappropriate.

Looking into mass graves and hearing the stories of individuals going through grinders and begging to go head first so they would not torture them quite as long, being dropped into vats of acid, begging to be dropped in feet first. These are the kinds of terrorists that we are talking about over there. This is what Iraq was like. This is what Saddam Hussein was like.

While I don't want to get into the debate about weapons of mass destruction, I never had that as the argument. It is a fact that training was taking place there; whether it was al-Qaida or not we don't know. In Salman Pak in Iraq, they were training terrorists to hijack airplanes. Whether they trained in that area the particular 9/11 perpetrators, I have no way of knowing. Nonetheless, this is something that had to be—all you had to do was look into the mass graves and hear the stories about weddings taking place and how they would raid them and rape the women and bury them alive. That was the scene, and that is what we were doing over there.

I really came to the floor to voice my objection to the Levin-Reed amendment, No. 2087. Winston Churchill once said:

Never, never, never believe any war will be smooth and easy. . . . Always remember, however sure you are that you could easily win, that there would not be a war if the other man did not think he also had a chance.

That was just as true in World War II when Churchill made the statement as

it is today. Today, we face an enemy that is determined and willing to go to any means of terror and violence to win. He cannot be negotiated with. You cannot negotiate with a terrorist. We keep hearing that we need to negotiate with them, but we cannot do that. They will not be satisfied until the whole world is brought under their dreadful ideology. We have seen this kind before in Stalin and Hitler, but never before has our enemy metastasized this way.

In a way, you could say it is more dangerous now than it was back then during Hitler and Stalin because the mentality is different. These are people who want to die and who are willing to die. This is their way of going to heaven. It is a totally different environment than under the other cultures in the different wars. There is no centralized headquarters or one leader that we can eliminate. There is no country involved. I don't think we have ever been involved in a war against an enemy who didn't have a country. When you defeat a country, you win the war. Well, there is nothing centralized that we can point to. Victory would come the way it always has: Destroy the enemy, undermine the support network, and expose the fact that they cannot win.

Any plan to leave Iraq before we have had a chance to understand the outcome of the troop surge tells the enemy, first of all, they have been successful and that their methods worked. Those individuals who were perpetrating the crimes of terrorism will come back and do them again. It gives them patience to wait us out.

Do you believe they do not watch our news or that they are not watching us right now, scouring our media for any chink in our resolve? Their survival depends on it, and they cannot win by force of arms. They can only win by attacking our resolve.

Our country represents the light of freedom and democracy. Yet I fear that we have begun a terrible introspective and downward cycle. Our resolve lasts for a few months, or maybe a year, but all it takes is enough time and then we break. Our enemy knows this. Look at our mission in Somalia. I remember it so well. So does the Presiding Officer. They were dragging the naked bodies through the streets of Mogadishu and our resolve was broken. Look at our reaction to the bombings in Lebanon at Khobar Towers. Look at Vietnam.

I am saying that we have to realize that while this introspection guarantees our freedom, it is also our greatest weakness. I recognize there have been mistakes made in Iraq. In his January 10 speech, the President also recognized this and has taken full responsibility for mistakes, which are made in every war. Yet we still find ourselves in difficult situations about the best way ahead.

These decisions affect many lives, both of our soldiers and the American people they pledged to protect.

We should debate. That is what the Senate body intends to do. It is what we have been doing. But how we fight and when we leave will determine the fight our grandchildren face. I think we all agree that it would be disastrous to leave Iraq precipitously. If we do, we know what we can expect: increased levels of violence and the spread of extremist ideology. Iraq itself would collapse into anarchy. We know this.

A personal friend of mine, DIA Director General Maples, said this:

Continued coalition presence is the primary counter to a breakdown in central authority. Such a breakdown would have grave consequences for the people of Iraq, stability in the region, and U.S. strategic interests.

DNI John Negroponte and CIA Director General Hayden have also agreed with that statement and analysis. It is not too late to avoid this breakdown. I don't think it is time to start cutting our losses and hope all of this will somehow disappear, somehow it will go away. If we can assist Iraq to reach the point of sustainable self-governance, then we can bring defeat to our enemies and bring stability to the region. We all want this to happen.

To those who say we cannot win, I look to Bosnia. I have to say, Mr. President, I was wrong in this case. That was a situation that many said and I said was intractable, that we would be bogged down for years and suffer thousands of casualties. I really believed this situation. I went back to Bosnia. It is peaceful. This is directly because of our military involvement. So I learned a lesson in Bosnia.

When I heard President Bush ask for our support for a troop surge, I heard the same message from many soldiers whom I have talked to in Baghdad, Fallujah, Tikrit, Balad, Mosul, and other areas. They said they want to fight the enemy there and not at home. This is what the troops have told me on these 14 trips I have made over there. They said they are in a fight to win and that they will accomplish the mission. Their morale is very high, and they back this up by reenlisting in record numbers.

I watched one of the Sunday shows, and they are trying to say: Look at the dissatisfying level. You can ask a question of all the troops over there and pull out some kind of answer that can be misinterpreted. The true test is those individuals who are fighting the hardest and facing the most risk are the very ones who have the highest re-enlistment rate we have seen in modern history. We are seeing reenlistments in record numbers right now, and the sacrifice our service men and women pay demand we pursue every possibility to leave stability in our wake.

The permanent Iraqi Government has only been in power since May. Many of the leaders have never had any kind of opportunity to run any kind of government before, let alone under the terrible circumstances they face. While Saddam was in power, they were in jail

or were in exile. They were on the outside. Now they have to build coalitions and a democracy that took us many years to achieve in this country. I think sometimes we forget that fact.

Last week, Hassan al-Suneid, a Shiite legislator and adviser to Prime Minister al-Maliki, was quoted in the Washington Post. This is what he said, an adviser to al-Maliki:

If the Americans withdraw, the militias and the armed groups will attack each other, and that means a sure civil war. What concerns me really is that U.S. troops might submit to the Democrats' decision and withdraw without thinking about Iraq's situation and what will happen to the Iraqi people.

We owe it to the sacrifice of the brave servicemember, we owe it to the Iraqi people, and we owe it to our children and grandchildren. Give our soldiers everything they need to win, and if Iraq doesn't step up, then it will be time to go but not until then.

We haven't given enough time to see if the surge is working. July 15 was supposed to be an interim White House update. We know the 16 benchmarks. It is my understanding eight are proceeding as planned, eight are not, and two are mixed signals. We know the surge has enabled a number of things to happen, such as a new engagement strategy, which I will talk about in a minute. It is called the joint security stations. We have gotten a huge increase in tips. Tips are pieces of information that come from the Iraqi people that tell us where IEDs are, that tell us where individuals are, where terrorists are. These are the qualified tips. They are accelerating on a daily basis. It has enabled us to stage offensives throughout Iraq without significantly diluting our troops in Baghdad. It has enabled the commanders to chase down al-Qaida and keep them from regrouping and attacking areas that have been historical sanctuaries of al-Qaida.

September 15 is when General Petraeus will give us a report. Let's not forget, that is what the law says. We passed a law. We passed a law either in March or May. The law says September 15 is the date he will come forth, this great general, General Petraeus, who is over there right now. It will give him time to say what our situation is and what we should do if a change is necessary. We owe it to him at this time.

A total surge, of course, has just been in place for 2 weeks. We have some good indicators that the time to make that kind of change is September. We cannot change the terms of the deal now. That was the deal, and that is written into law.

My colleague Senator DEMINT stated it well:

If we're going to govern effectively, we can't change our minds every week.

Let's not give a knee-jerk reaction to the headlines of IEDs and sectarian killings. This is exactly what the enemy is aiming its propaganda toward. I recognize this is not the fight we thought we were going to be getting

into, but it is the fight that is before us now.

I admire Prime Minister Maliki's assessment. I quote him again:

A fundamental struggle is being fought on Iraqi soil between those who believe that Iraqis, after a long nightmare, can retrieve their dignity and freedom, and others who think that oppression is the order of things and that Iraqis are doomed to a political culture of terror, prisons and mass graves.

I want to share one last point. Before I do, I want to put up a chart. If my colleagues will remember, we had the Webb amendment which would have dictated terms of how we do our troops deployments. At that time, I used this chart. We have to keep in mind that one of the problems we had in orchestrating a surge and trying to address this now is that we went through a pretty tough climb back in the 1990s.

As this chart shows, if we look at the black line, this is the 1993 baseline increase by inflation. In other words, if we did just what we took in 1993 and only increased it by inflation, this is where we would be in the year 2000. The Clinton administration is represented by this red line. If we take the difference between the status quo and what his recommendation was in his budget, it is \$412 billion total. We, in our wisdom, saw we were able to raise it to this green line in the middle. But it still is \$313 billion less.

I suggest that a lot of that represents our troop levels because the most expensive thing we have in defense is the troop levels. We are in the situation now where we have to see if this is going to work, if it changes, the surge, General Petraeus and all his efforts are taking place.

I mentioned the President's speech of January 10. I did it for a reason because I went back and reread that speech. If you read it, it talks about the victory being in a bottoms-up situation. In other words, instead of the top down, from the top political leaders down, it is going to be from the roots, from the people in these various communities. That is exactly what I witnessed.

Mr. President, I will share with you what I witnessed the last time I was there. Keep in mind that just a few weeks ago, long before the full surge effect was taking place, I spent a lot of time in Anbar Province in Ramadi, Fallujah, as well as in Baghdad. I saw some changes. I think a lot of it was due to the fact that we have had a lot of the cut-and-run or surrender resolutions and the Iraqi people are very much concerned that is what we are going to do, and that all of a sudden got their attention.

What I will share with you, Mr. President, I know we spend a lot of time and it is important we talk about the political leaders. Al-Maliki, we do talk about him. He is the Prime Minister. We talk about Prime Minister Jasim and Dr. Rubaie. What I noticed last time is a bottoms-up dramatic improvement, not coming from the polit-

ical leaders but the religious leaders. This is what I witnessed.

My colleagues might remember, we stood on the Senate floor a year ago and said the terrorists are saying Ramadi will become the terrorist capital of the world. Now Ramadi is secure. If you go next door to Fallujah—and we remember the World War II type of door-to-door activities that were taking place there. The marines did a miraculous job, but Fallujah at the time I got over there on this last trip was secure. The important thing is it was secured by the Iraqi security forces. They were the ones providing security at that time.

I mentioned a minute ago the joint security stations. This is a bottoms-up type of thing. I noticed in Baghdad, where, instead of our troops going out into the field and coming back to the Green Zone at night, they stayed out there. They bed down in the homes with the Iraqi forces. I talked with people who experienced this, theirs and ours. I didn't see that in any of the previous trips over there.

If I can single out one thing that is causing the bottoms-up improvement we have seen so far as a result of this surge announcement that was made just a few months ago, it would be the attitude of the clerics and the imams in the mosques. We monitor these, by the way. Our intelligence is at all these mosque meetings where they meet once a week. As most of us do on Sunday in our churches, mosques meet at different times. Nonetheless, they have weekly services. In weekly services prior to January of this year, 85 percent of the messages that were given in the mosques by the clerics were anti-American messages. They started reducing, and by April we went through the entire month without one mosque giving an anti-American message. That is why we are getting the support of the people, the bottoms-up we are talking about and the President was talking about back on January 10. We are seeing these individuals doing the same thing.

I don't think there is a person watching us or present in this Chamber today who isn't from a State that has such programs as the Neighborhood Watch Programs. That is what they have over there right now, and they are watching and they are going around with spray cans and spraying circles around undetonated IEDs so that our troops don't get into them. This is the type of cooperation we have not seen before.

This is what the President asked for on January 10. I think anything prior to our legal timeline of September 15 and getting an ultimate report from General Petraeus would be a great disservice to our fighters over there as well as to Iraqis.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I thank the senior Senator from Rhode

Island for allowing me to go ahead of him to deliver some remarks on the general Department of Defense authorization bill. Senator REED has not only been a strong supporter of our military, but he has an understanding that is unique for somebody who is a West Point graduate. As we move forward with this debate on Iraq, his understanding of Iraq is second to none, given the fact that he has been with this issue from the beginning. He has made 10 trips into Iraq to understand the situation on the ground. We very much look forward to his continuing leadership and contribution to the debate.

Today, I rise because I want to praise the work of Chairman LEVIN, Senator WARNER, Senator McCAIN, Senator REED, Senator NELSON, and the members of the Armed Services Committee for developing a very good, excellent product for us to consider in the Department of Defense authorization bill.

As the Senate debates this week on the keystone issue of our time with respect to U.S. involvement in Iraq, we must not lose sight of the importance of maintaining a strong national defense. That strong national defense is what is at the heart of the 2008 Department of Defense Authorization Act.

The bill is a strong statement of support for our men and women in uniform. It gives our military the tools it needs to confront an increasingly complex and dynamic set of threats that we face around the world. It is a bill that will help assure our military remains the best equipped, the best trained, and the best led fighting force in the world. Today, our men and women in uniform are serving honorably around the world. In the mountains of Afghanistan, they are tracking and killing al-Qaida and resurgent Taliban operatives who are resisting the move toward democracy. In Iraq, they are confronting the monumental task of stabilizing and rebuilding a country that is caught in the middle of sectarian violence and a spiraling, what many of us have concluded is an intractable civil war. In the horn of Africa, in the Balkans, and elsewhere, they are looking to bring peace, hope, and security to those war-torn areas of the world.

I am immensely proud of the work of our troops both abroad and at home, for our National Guard, Reserve, and Active-Duty troops protect our homeland and help us respond to the threats of hurricanes, fires, and floods. I know all my colleagues share the appreciation I have for the work of our military, and I know this shared appreciation gives us much common ground from which to work. We all agree that our military must remain the strongest and best equipped in the world, that our Nation's defense is the Federal Government's top priority, and that our military families and our veterans deserve the best our Nation can provide. Because we agree on these principles, this bill rests on a solid, bipartisan foundation, and it is a bill we

must pass in Congress and let it be signed by the President. Unfortunately, in the press you won't hear much about many of the provisions that are in this bill, and we won't hear much about where we do see eye to eye and what we have a consensus on with respect to the DOD bill. You probably won't hear much about how we agree we need to expand our military, that our troops need to have more MRAPs, Strykers, and other equipment in the field immediately; that more resources are needed to protect our troops from IEDs; that our assets in space are too vulnerable to disruption or attack; that we need to continue to bolster our military warning and defense system, and so on. We won't hear much of that in the debate here in the week ahead.

But the fact is this bill comes to us at a critical time in our Nation and it is one of the largest steps this body has ever taken toward strengthening our defense, refurbishing our military—which is under so much strain in these times—and making good on our promises to care for our military families and our veterans.

I want to briefly illustrate the impact this bill will have by briefly describing how it will help our troops and their families in my State of Colorado. We in Colorado are proud to be the home of some of the crown jewels of our Nation's defense and homeland security. Fort Carson, Peterson Air Force Base, Buckley Air Force Base, Schriever Air Force Base, Cheyenne Mountain Air Station, and the Air Force Academy are all in my home State of Colorado, as are the headquarters for Air Force Space Command and Northern Command.

I have spent a lot of time at those bases meeting with our military leaders, and the commanders there are clear about their needs and their priorities. I am pleased to report to them that the Armed Services Committee, in the bill now being considered by this Chamber, has transferred many of their priorities into the bill and will make them a reality if we can get this bill signed by the President of the United States. Those priorities include: military construction, equipment, weapon systems, and health care—those things that are important to make our military strong.

The military construction authorization in this bill will help us keep on track with BRAC realignments and needed infrastructure improvements. At Fort Carson in Colorado we are in the midst of a very significant BRAC-directed expansion that will almost double the size of the Mountain Post. Two additional brigades are coming to Colorado Springs, and we are doing all we can as a community to welcome these soldiers and their families to Colorado.

The bill includes \$470 million in authorization for military construction at Fort Carson, some of which will go to the construction of a new headquarters for the 4th Infantry Division

and a new brigade complex for the 1st Brigade, and new barracks for our soldiers.

For the Colorado National Guard at Buckley Air Force Base in Denver, CO, we have added an authorization for \$7.3 million for a squadron operations facility to replace an outdated structure that houses the F-16s of the 140th Air Wing of the Colorado National Guard.

On the equipment side, this bill responds to the rapidly growing needs of the services to refurbish, replace, and modernize equipment that is being worn out in Iraq and Afghanistan. Recognizing that the President's request for equipment for our troops was not sufficient, this bill expands the authority for war-related procurement by over \$12 billion. I am particularly encouraged with the bill's inclusion of \$4.1 billion to fulfill the military services' unfunded requirements for MRAP vehicles, whose V-shaped hulls are proving invaluable in reducing casualties from IEDs. This builds on an effort Senator BIDEN led in March to include \$1.5 billion in the emergency supplemental. Fort Carson soldiers told me how invaluable these MRAPs are, and this funding will see to it that we get more of those vehicles into the field as quickly as possible.

Mr. President, I see the majority leader on the floor, and I would be happy to yield to him, if he so chooses.

Mr. WARNER. Mr. President, if the distinguished leader will yield for a minute, I want to thank our colleague. I listened to his presentation and thank him for his reflections about the committee's work under the leadership of Senator LEVIN and Senator MCCAIN on the underlying bill. Eventually, I presume, we will focus more attention on that, but it is important to the Senator's State.

The State of Colorado is one of the rocks in our overall defense system of this country, and I wish more people knew how important Colorado's citizens are in giving their support to our men and women of the Armed Forces who proudly serve us from that State. I thank the Senator for his contribution.

Mr. SALAZAR. I thank my friend from Virginia.

Mr. REID. Mr. President, before my friend from Virginia leaves, I note that 40 percent of the State of Nevada is restricted military airspace—40 percent of it. It is all controlled by the military.

Mr. WARNER. Amazing.

Mr. REID. We have Nellis Air Force Base which, as you know, is such a great facility for training our fighter pilots. That is for the Air Force. In the northern part of the State, as you know, we have the Naval Air Training Center, which is for the Navy. If you want to be a Navy pilot, you have to go to Fallon to get your Ph.D. The same as if you are an Air Force pilot, you have to go to Nellis to get your training. It takes so much of Nevada's land to fly over to become the Ph.D.s in fighter training.

Mr. WARNER. The citizens of your State have given 100 percent support to these military people all these years. They may miss a little bit of that airspace, but they are proud to have them there.

Mr. REID. I wanted to brag about Nevada a little bit.

You know, the interesting thing, I say to my friend from Virginia, Nellis Air Force Base—when it was started during the Second World War, it was known as the Las Vegas Gunnery School, and then it became Nellis Air Force Base—named after someone from Searchlight, NV, by the way, Bill Nellis—was on the outskirts of Las Vegas. Now it is in the middle of Las Vegas. But the people of Las Vegas support that base. They protect that base. Nobody criticizes an airplane being a little too loud. We love Nellis Air Force Base.

Mr. WARNER. Mr. President, Nellis Air Force Base is well cared for in the current authorization bill before this body.

Mr. REID. Mr. President, I ask unanimous consent that the Durbin amendment No. 2252 be withdrawn; that the McConnell amendment No. 2241 be agreed to; and that the Cornyn amendment No. 2100 be agreed to; and that the motions to reconsider be laid on the table.

Before there is acceptance or rejection, let me say this, Mr. President. We have read the Cornyn amendment. We believe it should have a 50-vote margin, like all other amendments, but we are even willing to go a step further with this amendment. We will just accept it, and that is what the consent is all about. We accept the Cornyn amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, we, under our leadership of Senator McCONNELL, have a request for a rollcall vote on the Cornyn language. We would object to a unanimous consent request to agree to the amendment because there is a desire, a strong desire, to have a recorded vote on this important issue; that every Senator express his or her desire on this amendment.

Having said that, we also want to check with the sponsor of the amendment to see if he wanted to make further comments prior to a vote. Again, we are confident we would be prepared to set that vote for a reasonable time tomorrow after we consult with the proponent.

Therefore, I object to the request, and I propose we revisit this in the morning to see if we can find a time certain for a vote on the Cornyn language.

Mr. REID. Mr. President, we would be happy to revisit this in the morning. We agreed to a reasonable time agreement on this and to have an up-or-down vote. We are in favor of that, a recorded vote. We will take a recorded vote or we will take a voice vote—

whatever the sponsor of the legislation and the Republican leadership wants.

I say, however, that there is an effort to delay this matter. It appears very clear that the purpose of the Republican minority is to obstruct what we are trying to do, and that is complete work on this Defense authorization bill, including an up-or-down vote on Levin-Reed. But I appreciate the opportunity to revisit this in the morning, and I look forward to that.

The PRESIDING OFFICER. Objection has been heard.

Mr. WARNER. Mr. President, I thank the distinguished leader for his understanding and the representation that we can resolve this issue tomorrow, and I know our leader is anxious to hopefully get through the various procedural matters relating to the underlying authorization bill so that can move forward.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I have about 5 more minutes to complete my presentation, and then I know Senator JACK REED has probably about 20 minutes as well to speak on the issue.

Mr. REID. Mr. President, may I be heard briefly. I so apologize to my friend from Colorado for interrupting his speech. He was gracious. I didn't hear him yielding the floor to recognize me. I thought he was finished. I apologize. This is very typical of the Senator from Colorado to think of others before he thinks of himself. I apologize for not recognizing his courtesy.

Mr. SALAZAR. Mr. President, I thank the majority leader for his statement. Frankly, it was not great interruption. He had major procedural business to bring before the floor of the Senate and I very much understand.

The budget authority for the Air Force is equally robust, putting additional money behind some of our key space and missile defense programs. Many of our communications, intelligence, and missile detection satellites—a large number of which are flown by the 50th Space Wing out of Buckley—are reaching the end of their lifespan. Every day, though, they grow more and more central to troops on the ground.

The bill provides important investments in our space assets, including \$126.7 million for the Space-Based Infrared Satellite System to replace outdated missile detection satellites, and another \$300 million to improve our space situational awareness, to help address concerns raised as a result of the Chinese antisatellite test earlier this year. Ask the space professionals, as I have at Schriever, Buckley, or Peterson Air Force Base, and they will tell you how much these investments are needed.

Beyond the funding for equipment and facilities in the bill, however, there are several key quality-of-life provisions in this legislation that the Armed Services Committee has brought before us. Supporting our

troops, after all, means we support them in the field and we support them at home. We should help them be successful not just as soldiers but as mothers, fathers, sons, daughters, husbands, and wives. Part of our support includes passing the Dignified Treatment for Wounded Warriors Act, which we passed last week. The bill requires the Secretaries of Defense and Veterans Affairs to create a comprehensive policy for servicemembers who are transitioning from the DOD health system to the VA system. As evidenced by Walter Reed, the current system is not up to the standards that any of us would want for our men and women who have served our country so proudly.

I am also pleased that the underlying bill includes a 3½ percent pay raise for our military personnel, it rejects the administration's proposal to raise TRICARE fees, and requires the DOD to develop a plan to address the findings of an internal assessment of the well-being of soldiers and marines in Iraq. These steps are all important for the quality of life and health of the servicemembers of our Armed Forces.

Mr. President, I again thank Chairman LEVIN, Ranking Member McCAIN, Senator REID, Senator NELSON, and others who have been involved in taking such a large step forward for our Nation's defenses, and which provides so much common ground from which we can work. It is a solid bill. It is a solid bill which I hope will be further strengthened by the time it passes this Chamber.

I want to very briefly speak about four amendments that I have filed. First, I have filed an amendment with Senator ALEXANDER to implement the recommendations of the Iraq Study Group, and I look forward to the debate on that amendment in more detail later this week. We need to find common ground on how we move forward with the United States policy in Iraq.

Second, Senator McCONNELL, Senator ALLARD, Senator BUNNING, and I have filed an amendment, amendment No. 2061, to set 2017 as a hard deadline for chemical weapons destruction and to increase funding for the weapons destruction programs at Pueblo, CO, and in Bluegrass, KY. Our amendment adds \$44 million for MilCon, military construction, funding at these sites.

Third, amendment No. 2110; that will help the Department of Defense protect military installations against encroaching development. My amendment builds on recently released DOD and RAND Corporation reports and pushes the Department to allocate additional resources, provide additional staff, and more aggressively implement the authorities Congress provided to confront the encroachment challenges at many of our bases. Fort Carson, in my State of Colorado, is a prime example of how an effective DOD encroachment program can make sure the military training at the facility is not compromised by development. At other

places and other bases in my State—Buckley Air Force Base, Schriever, and Peterson—the Air Force and we in the Congress have a lot more to do to make sure we don't compromise the military training mission of those facilities.

Finally, Senator SESSIONS and I have filed an amendment to provide better support for the Paralympic programs that serve our servicemembers and veterans. My amendment will allow the Office of Special Events at the Department of Defense to provide transportation, logistical support or funding for the Paralympic Military Program and for certain national and international Paralympic competitions. The Paralympic program is invaluable to wounded warriors who are recovering from injuries, and DOD should be allowed to assist with the program when it benefits our servicemembers and veterans.

Again, I thank the leadership of the Armed Services Committee and all its members for bringing forward a bill that is truly a very solid, excellent bill.

I thank my colleague, Senator REED, for his indulgence in letting me precede him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I ask the distinguished assistant Democratic leader, I believe that business for today is concluded with respect to consents from the other side. Am I not correct on that? We will have the benefit of the remarks of the distinguished Senator REED, and then he will wrap up, including two resolutions which we have on this side; am I correct in that?

Mr. DURBIN. I would say to the Senator from Virginia, I am not aware of any other business to come before the Senate.

Mr. WARNER. Is that the understanding?

Mr. REED. That is my understanding. I have no knowledge of any.

Mr. WARNER. I am told by the floor staff there will be no request for consents tonight.

Mr. DURBIN. That is correct.

Mr. WARNER. I appreciate the assurances of the assistant leader.

Mr. REED. Mr. President, today we are facing a critical juncture regarding our operations in Iraq. We can continue with a policy that is straining our military, putting excruciating strain on our military and their families, which is diminishing our standing in the international community and which is rapidly losing the support of the American public—in sum, a policy that cannot be sustained—or we can change, we can make a transition of this mission to focus on objectives that are feasible, to begin a reduction in our forces which will relieve the stress on our military and their families, to initiate complementary and comprehensive diplomatic, political, and economic efforts to engage Iraq's neighbors and the rest of the world in bringing a degree of stability to that country.

I believe it is time for such a change. That is why I have joined many of my colleagues, particularly Senator LEVIN, to propose an amendment to do that. This amendment would first call for a beginning of a reduction of American military forces 120 days after the passage of the legislation. It would give the President the flexibility to pick the precise moment and the precise number of forces and to develop a timetable for their departure. Then it would call for the transition to specific missions by next spring, and those missions would include counterterrorism operations, since we can never give up in our attempts to preemptively attack and destroy terrorist cells—not just in Iraq but in, unfortunately, many other parts of the world.

Second, it would allow the American forces to continue to train Iraqi security forces.

Third, it would clearly state we will protect our forces wherever they are, particularly in Iraq.

It also talks about a very comprehensive diplomatic effort. One of the dramatic failings of this administration has been a one-dimensional policy—military force alone, in most cases unilateral military force. That one-dimensional policy defies strategy, it defies the operational techniques of counterinsurgency, and effectively, I think, has led us, in large part, to Iraq today where we are in a very difficult situation.

As all of our commanders have said persistently over the course of this entire conflict: Military operations alone will not lead to success. They will buy time, they might provide some political space, but they will not lead to success. They are merely a complement and a prelude to the economic, to the political, to the nonmilitary forces that are essential to prevail in a counterinsurgency, stabilize a country, and to ultimately prevail in the type of operation we are witnessing in Iraq.

I believe the President had an opportunity last January to chart a new course. The American people spoke very clearly in the November elections. They wanted change. The Iraqi Study Group, a combination of some of the most gifted minds on both sides of the aisle with respect to foreign policy, gave a framework that talked about and hoped for a redeployment of American forces and significant engagement in diplomatic activities. All of this was at the hands of the President. He essentially said, no, we are going to do a lot more of the same—or a little more of the same. I think at that point, frankly, the American people understood the President wasn't listening or, if he was, it was not getting through.

As a result, I think they began to become very much disenchanted with the course of action of this administration. I don't have to tell anyone in this Chamber or across the globe that this is a decisive turning point in their demands that we act, that this Senate and the House of Representatives take

significant action. We are trying to respond to that legitimate concern of the American people by the Levin-Reed amendment that we have proposed.

The President said the goals for the surge were to support Iraqi efforts to quell sectarian violence, ensure territorial integrity and counter Iranian and Syrian activity, encourage strong democratic institutions, and foster the conditions for Iraqi national reconciliation.

The heart of it, as he suggested and others have, was to give the Iraqi leaders the ability to make tough political decisions which were essential to their future and to our continued engagement in Iraq.

Principally among them was to jump start the reconciliation process, bring the Sunni community into government and the civic life of Iraq, to pass legislation to fairly distribute the proceeds of oil revenue, the major source of revenue in that country, and to take other steps—including provincial elections. None of that has been effectively accomplished.

So if the premise of the surge was to create tactical momentum for political progress, some tactical momentum may be there but very little, if any, political progress. That, I believe, is the reality.

These goals, this effort was difficult for an extra 30,000 troops to accomplish. But it was made much more difficult because of a series of fundamental operational mistakes and strategic flaws that this administration has been engaged in since the beginning of their operations in Iraq. We know that soon after we arrived in Baghdad, after a very successful conventional attack, there were insufficient forces to occupy the country and chaos broke out. The Coalition Provisional Authority, the CPA, embarked on a debaathification program that denied employment and livelihood and, in a sense, hope to thousands of individuals—teachers, bureaucrats—who had been part of the prior regime, mostly because it was the only way they could hold their jobs, and left, particularly the Sunni community, in a situation where they questioned whether there was a place for them in the new, emerging government.

The CPA disestablished the Army; 500,000 individuals with training suddenly found themselves without a future and very quickly many of them found themselves in the insurgency, for many reasons. The Government, the administration, failed to garner support from regional powers to help.

Then the administration embarked on a series of elections. These elections demonstrated the procedure of democracy. But what they failed to grasp, the administration particularly, is that elections alone are insufficient unless there is a governmental capacity to translate those elections into an effective government that serves the needs of its citizens. So we have demonstrations of thousands of Iraqis, hundreds

of thousands, millions going to the polls. But what happened is they didn't elect a functioning government. They became even more frustrated when they recognized that the Government in Baghdad today doesn't work for them.

All of this was summed up, I think very accurately, by former Secretary of Defense William Perry, on January 25, before the Armed Services Committee, where he stated:

We may never know whether our goal of achieving a democratic stable government in Iraq was in fact feasible, since the administration's attempts to do so were so burdened with strategic errors.

So we start now in a real strategic deficit. Unfortunately, I think the President continues in that vein. The President announced the surge in January: 30,000, roughly, additional forces. It took them many months finally to get in place. The administration claims that since June 15 they have been in place. This was not a surge in the classic military sense of overwhelming force applied rapidly. It was a slow, gradual escalation of a limited force because our force structure limits what we could do. From the very beginning, the ability of this force, deployed in a slow manner, to decisively influence the action on the ground was highly questionable.

I had the opportunity a few days ago to go to Iraq. Many of my colleagues have gone. I was able to travel not only into Baghdad but to get into the countryside to visit forward-operating bases, patrol bases, company-sized bases that are the new disposition of our forces.

First, let me say, as always, I was impressed with the extraordinary professionalism and commitment of the soldiers and marines, the sailors and the airmen who serve us so well. They are doing a superb job. But my conclusion, after spending these 2 brief days in the field, was their tactical momentum, changing the nature of the battlefield, has not, as I said, translated into the political progress needed to truly bring security and stability to Iraq.

And then something else too, the nonrebuttable fact that I see constantly; that is, this surge will come to an end later next spring, not because we have succeeded, not because we have achieved our objectives, but simply because we cannot continue to deploy 160,000 troops in that country. That is a function of our limited forces. Unless the President is prepared to adopt Draconian personnel policies, not 14- to 15-month tours but 18- to 20-month tours; unless he wants to continue to rely upon significant stop-loss, where individuals who are able to leave the service are prevented from doing so; unless he is prepared to do those things, then by next spring the surge ends.

So I think it is appropriate, if we are seeing a situation where just months from now we are going to lower our forces, that we should start thinking

right now of how we do it in a way which will enhance the security of the United States, which will represent to the American people a new direction which they are clamoring for, and which can be sustained, not only in terms of material and personnel but in terms of the support of the American people.

In my opportunity to visit Iraq, I had a chance to sit down with General Petraeus and Ambassador Crocker. They have suggested that they consciously recognize the limitations of our overall infrastructure. They also indicated that they were ready, probably sooner than September, to make a declaration of their advice to the President. I do not think we should wait, either. I think this debate is timely, the legislation is timely, and we should move forward.

Now, we received additional information just a few days ago in the nature of the interim report with respect to the status of the benchmarks. There is an appearance that the military situation in terms of the reliability of Iraqi Army units is encouraging to a degree. But there is still a great deal of work to do with the police force, which is a major component of any type of stable society.

In addition, I think if you drill down below the superficial, there is still the nagging question of the reliability, the political reliability, the professional reliability, of these forces, particularly their leadership. That is something which I think is still in great doubt.

But if you look at most of the political area, there is a string of unsatisfactory grades. The President's report found unsatisfactory progress of enacting and implementing legislation on debaathification reform. Essentially, what we are seeing is a huge conflict between the Sunni and Shia communities, and this conflict is not being abated by the wise action of the Government, a Shia government, to allow Sunnis fuller participation in the civic life and the political life of Iraq.

We are seeing unsatisfactory progress on enacting and implementing major legislation to ensure equitable hydrocarbon resources, distribution of oil and petroleum proceeds. We are seeing unsatisfactory progress on establishing a provincial election law, establishing provincial council authority, and setting a date for provincial elections.

One of the problems that has been nagging in the election process for the last several years in Iraq is that the Sunni community did not participate in significant elections, and therefore they are not adequately represented in certain areas. So, as a result, they haven't got this sense of participation of ownership that is so necessary. Until we have provincial elections, this will continue and further provide excuses, if not real reasons, for Sunnis not to participate fully and not to cooperate fully with the Government and with our forces in the field.

The report also talked about unsatisfactory progress toward providing Iraqi

commanders with all authorities to make tactical and operational decisions in consultation with U.S. commanders without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shia militias. Here is that very-difficult-to-measure factor about the subjective quality of these commanders and leaders—whether they can operate without political interference or whether they are wittingly or unwittingly extensions of the political party.

Just today, if you saw the New York Times, there was an interesting article about how our American forces in Anbar Province were making progress with Sunni tribes, previously our enemies, our opponents, who now were rallying, not necessarily because they agree with us but because they recognize how ruthless and how much al-Qaida is targeting them in going after them. Now, that is progress we should recognize.

But what is disconcerting is the report that the regular Iraqi brigade in that region, primarily Shia, is actually trying to interfere, even in some cases suggest an attack on those Sunnis tribespeople because they see this as a force that will threaten them as they go forward—another example of this Sunni-Shia divide, which is a very difficult political chasm to try to bridge in a short period of time, and that is what we face today in many parts of Iraq.

We also saw unsatisfactory progress in ensuring the Iraqi security forces are providing evenhanded enforcement of the law and unsatisfactory progress as far as limiting militia control of local security. It is a very difficult situation in many respects.

Now, military operations—our military operations are critically important, but here is another reality that I think escapes so many people. Ultimately, only the Iraqis can provide a solution to these political problems, to these sectarian divides. We can suggest what they should do, but unless they do it, these divides will continue to paralyze this country and continue to undermine our efforts to help them stabilize their own country.

I don't think, given the fundamental nature of those issues, that the next 6 weeks until September 15 will make a profound difference. It has been suggested by many commentators that the ability of the Iraqi Government to function—even participate over the next several weeks is limited. So for those people, my colleagues, who call: Wait for September 15, I don't believe or hope that they are suggesting that those profound political problems will be somehow miraculously cured in the next 6 weeks.

As I said before, the inescapable fact, to me, is that by next April, we won't be able to generate 160,000, that somehow our military, sooner rather than later, will have to declare that there is a new strategy that rests not on the

surge but on a much smaller force or at least a smaller force, and that force has to deal with these problems or has to deal in a way which the American people will support their continued presence in Iraq. That signal is today for a change in policy, not in September, not next spring, but today.

Now, I alluded to the lack of public support. Some would suggest, well, that is not important. You know, tough leaders have been in situations where the public did not support them. Well, the reality that I learned a long time ago, serving in the military, going to West Point, is that public support is a critical and necessary element of any national security strategy; you can only go so far and so long without it.

We are reaching a point where the American public is clearly declaring that they are deeply concerned about what is going on, deeply distrustful of the President's policy, and my fear, frankly, is unless we take prudent action today, unless the President takes prudent action, that their tolerance for any significant engagement might erode completely by next spring, leaving us with fewer options than we have today.

A July 6 through 8 Gallup poll found 62 percent of Americans felt the United States made a mistake in sending troops to Iraq. A July 11, 2007, Newsweek poll found that 68 percent of Americans disapproved of the way President Bush was handling the situation in Iraq. This is significant because I suggest it undercuts the necessary ingredient of public support for any major military strategic policy. As the President continues to be intransigent and as many of our colleagues give him the luxury of that intransigence, I fear that the American public becomes increasingly disheartened, increasingly desperate, and increasingly unwilling to listen to policies that will provide for a phased and orderly transition of our mission in Iraq.

We also understand the huge cost of this war. We have appropriated \$450 billion. As many of my colleagues point out, the Congressional Budget Office estimates that we are spending about \$10 billion a month. That, too, is very difficult to sustain because most of this is being financed, if not all of it, through deficit spending, which means we are passing on to the next generation of Americans a huge bill.

But, also, these are real opportunity costs. How are we going to reestablish, in a very narrow vein, our military, in terms of the personnel, their equipment, when the effort is essentially completed one way or the other? How are we going to provide for the next generation of military equipment, the next generation of military tactics and techniques and support personnel if our budget is in such disarray as it is now? I am not even beginning to comment on the huge costs that are unmet in this society in terms of health care, in terms of education, in terms of those forces and those ingredients of national

power, broad national power that are so essential.

As I said earlier, these operations are posing an excruciating stress and strain on military forces. The high operational tempo is really taking its toll on the troops and on their families. Since 2002, 1.4 million troops have served in Iraq or Afghanistan. Nearly every nondeployed combat brigade in the Active-Duty Army has reported that they are not ready to complete their assigned war mission. These are the troops who have come back from Iraq, from Afghanistan. They are not ready to perform their mission.

We all can remember—I can, at least—Governor Bush talking up before a large crowd in his election campaign and criticizing the Clinton administration because two divisions, as he said, were not—if they were asked to report, they would say: Not ready for duty, sir, to the President. That pales in comparison to the lack of readiness we see today in our military forces. Nearly 9 out of every 10 Army National Guard forces that are not in Iraq or Afghanistan have less than half of the equipment needed to do their job. Their job now is to provide support for Governors in disasters, in problems that are related to their home States.

As I said again and again, military planners do not see how we can sustain 160,000 troops beyond next April. We also recognize that our policies of go-it-alone, our policies of virtually unilateral action are increasingly alienating opinion throughout the world. Once again, to accomplish anything significant, to rally diplomatic forces, to rally all of the forces throughout the world to help us achieve our end, you have to start on the basis of at least understanding and support. We have seen that deteriorate.

We have seen also the situation where, because of our concentration in Iraq, al-Qaida now is resurgent. That is the conclusion of the National Intelligence Estimate that was talked about in the press just last week. We are seeing a situation where Iran is increasing its strategic power. One major factor is the fact that we are tied down with 160,000 troops in Iraq. We are tied down in a way in which many of the individuals in the Iraqi Government whom we depend upon to do and take the actions where it is essential to our success have close personal and political ties to the Iranians. They talk to them on a weekly basis. They take certain directions from them. We are in a situation where our position in Iraq—unwittingly, perhaps—has strengthened the Iranians. We cannot effectively talk about another major military operation when we are having a very difficult time supplying and supporting this operation.

We have effectively taken out two of their traditional opponents in the region, and most difficult and dangerous opponent, the Taliban regime in Afghanistan and Saddam Hussein in Iraq. They now have strategic space. They

are using it. They are using it to encourage Hezbollah and Hamas. They are using it to try to achieve nuclear fuel cycles and, on many days we all feel, perhaps, even a nuclear weapon. So what we have seen also is that as these developments take place, the world's opinion is rapidly turning against us.

We are seeing disturbing events in Pakistan and elsewhere where there is a concentration of al-Qaida leadership. I, like so many of my colleagues, was most disturbed a few weeks ago when American news broadcasters were showing films of a graduation ceremony of hundreds of individuals somewhere in Pakistan who were leaving to go off and pursue their jihadist terrorist activities around the world. That is a frightening but real situation.

As a result, Senator LEVIN and I have worked with our colleagues and have proposed an amendment that responds to these different issues and different threats and also the reality of the situation at home and in Iraq. I am pleased we are supported in our efforts by so many, including our colleagues, Senators HAGEL, SMITH, and Senator SNOWE. This is a bipartisan amendment. It recognizes what the American people are demanding, a change in direction, and what the status on the ground and the status of the military require also, a change in direction. It calls for protecting U.S. and coalition forces, continuing our fight against terrorism, and training Iraqi security forces to step up and discharge their responsibilities. It calls for a beginning of a phased reduction of forces, 120 days after enactment of the legislation. It also calls upon us to begin to take up the issue of real proactive, complementary diplomatic, and political action that is so necessary to stability in the operation.

One of the factors the President talked about last January, and was alluded to by the Secretary of State and others, was the civilian surge to match the military surge—a surge in advisers, technicians, those people who can help the Iraqis organize their political processes at the city level, the provincial level, and their economic processes. That is not taking place as rapidly as necessary. We are at a critical moment, a moment not to delay but to take appropriate action, a moment to change the direction in Iraq, not simply to wait and wait and wait until events dictate we have to draw down forces. I hope we can prevail our colleagues to support our efforts. I will have more to say. I believe many of my colleagues will have much more to say tomorrow.

I urge passage of the Levin-Reed amendment.

MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

BILL MOYERS' EULOGY FOR LADY BIRD JOHNSON

Mr. DURBIN. Mr. President, we should all be so fortunate as to live a worthy life and at the moment of our passing have a person with the talent of Bill Moyers memorialize our time on Earth. On Saturday, Bill Moyers, the PBS journalist who served as special assistant to President Lyndon Johnson from 1963 to 1978, delivered a eulogy at Lady Bird Johnson's funeral service Saturday. He read from a text which I will now have printed in the RECORD.

I ask unanimous consent that the eulogy be printed in the RECORD.

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

[From *statesman.com*, July 15, 2007]
BILL MOYERS'S EULOGY FOR LADY BIRD JOHNSON

Bill Moyers, the PBS journalist who served as special assistant to President Lyndon Johnson from 1963 to 1967, delivered a eulogy at Lady Bird Johnson's funeral service Saturday. He read from this text:

It is unthinkable to me that Lady Bird is gone.

She was so much a part of the landscape, so much a part of our lives and our times, so much a part of our country for so long that I began to imagine her with us always. Now, although the fields of purple, orange, and blue will long evoke her gifts to us, that vibrant presence has departed, and we are left to mourn our loss of her even as we celebrate her life.

Some people arriving earlier today were asked, "Are you sitting with the family?" I looked around at this throng and said to myself, "Everyone here is sitting with the family. That's how she would treat us." All of us.

When I arrived in Washington in 1954, to work in the LBJ mailroom between my sophomore and junior years, I didn't know a single person in town—not even the Johnsons, whom I only met that first week. She soon recognized the weekends were especially lonesome for me, and she called one day to ask me over for Sunday brunch.

I had never even heard of Sunday brunch, much less been to one; for all I knew, it was an Episcopalian sacrament. When I arrived at 30th Place the family was there—the little girls, Lady Bird and himself. But so were Richard Russell and Sam Rayburn and J. Edgar Hoover—didn't look like Episcopal priests to me. They were sitting around the smallish room reading the newspaper—except for LBJ, who was on the phone. If this is their idea of a sacrament, I thought, I'll just stay a Baptist. But Mrs. Johnson knew something about the bachelors she had invited there, including the kid fresh up from her native East Texas. On a Sunday morning they needed a family, and she had offered us communion at her table. In a way, it was a sacrament.

It was also very good politics. She told me something that summer that would make a difference in my life. She was shy, and in the presence of powerful men, she usually kept her counsel. Sensing that I was shy, too, and aware I had no experience to enforce any opinions, she said: Don't worry. If you are unsure of what to say, just ask questions, and I promise you that when they leave, they will think you were the smartest one in the