

program in question was legal. It only grants the telecommunications carriers immunity if the Attorney General certifies those carriers cooperated with intelligence activities designed to detect or prevent a terrorist attack and that such a request was made in writing and with the assertion that the program was authorized by the President and determined to be lawful.

Finally, this bill provides the fairest course of action for addressing corporations that, when presented with an urgent official request at a critical period for our Nation's security, acted in a patriotic manner and provided assistance in defending this Nation. These companies were assured that their cooperation was not only legal but necessary and essential because of their unique technical capabilities. Also note that the President initially authorized the NSA program in the early days and weeks after the September 11 attacks, attacks that shocked our Nation and forced us to quickly react and adjust to the new reality of the 21st century, where terrorism was occurring in our own backyard. If a telecommunications company was approached by Government officials asking for assistance in warding off another terrorist attack and those Government officials produced a document stating the President had authorized that specific activity and that activity was regarded as legal, could we say the company acted unreasonably in complying with this request?

In the interest of protecting our Nation in this new environment of the 21st century and bringing stability and certainty to the men and women who are in our intelligence community as they carry out their very vital and critical missions in defending and preserving our freedoms at home, I urge passage of FISA reform that is bipartisan, that respects an active balance among all branches of Government, that will establish a key role for the courts going forward in evaluating surveillance measures in the United States and against U.S. persons abroad and that we will allow the intelligence community to devote its full efforts to fighting and winning the war on terror.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Oklahoma.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, there is confusion as to the order of the speakers. I ask unanimous consent that the junior Senator from Pennsylvania, Mr. CASEY, be recognized for up to 15 minutes, in morning business, to be followed by me, to be recognized for up to 35 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. CASEY. Reserving the right to object.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CASEY. Will the Senator modify his request to add Senator WEBB to

that lineup to be the next Democratic speaker?

Mr. INHOFE. May I ask how long Mr. WEBB, the junior Senator from Virginia, wishes to speak?

Mr. CASEY. Ten minutes.

Mr. INHOFE. I amend my request that it be, first, Senator CASEY for 15 minutes, Senator WEBB for 10 minutes, and myself for 35 minutes in morning business.

This is the new request: I ask unanimous consent that the junior Senator from Pennsylvania, Mr. CASEY, be recognized for up to 15 minutes, after which I will be recognized for up to 35 minutes, and then the Senator from Virginia, Mr. WEBB, will be recognized for up to 10 minutes in morning business.

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

The Senator from Pennsylvania is recognized for up to 15 minutes.

Mr. CASEY. Mr. President, I thank the Senator from Oklahoma for working through that unanimous consent agreement.

IRAQ

Mr. CASEY. I rise today to speak about the war in Iraq. There is a lot of talk in this Chamber and across this town and across the country about our economy, and that is justifiable. But we have to remember that in the midst of a difficult economy in America, there is a lot to talk about and to work on to respond to that. We still have a war in Iraq to worry about, to debate, and to take action on. I don't think we can lose sight of a war that grinds on without end in Iraq.

This war does burden our troops, obviously, with repeated and prolonged deployments and, in fact, drains our national resources. The war hampers our efforts in places such as Afghanistan and Pakistan, the real frontlines in the global struggle against Islamic terrorism and extremism.

So we must ask ourselves at least a couple of questions when it comes to the war in Iraq. There are many, but there are at least a few I can think of.

What are we in the Congress doing about this war today, this week, this month, and in the months ahead, even as we struggle to deal with a difficult economy?

The second question might be: When will the Iraqi Government start serious discussions on national reconciliation?

Third, how will we know when we have achieved our objectives in Iraq? How will we know that?

Finally, and I think the most compelling question is: When will our troops come home?

Last night, the President spoke about a number of topics, and one was the economy. One of the first words the President said with regard to the economy, he talked about a time of uncertainty. Mr. President—President Bush I mean—I disagree. With regard to the economy, this is not about something

that is uncertain. It is very certain. The lives of Americans, the perilous and traumatic economy they are living through is not uncertain or vague or foggy. It is very certain. The cost of everything in the life of a family is going through the roof, and we have to make sure we respond to that situation.

I argue that word "uncertainty" does apply when it comes to the war in Iraq in terms of our policy. I would argue to the President what is uncertain, if there is uncertainty out there in our land, it is about the war in Iraq. Uncertainty, frankly, about what our plan is in Iraq and what is this administration and this Congress doing to deal with this war in Iraq. That is where the uncertainty is. I think the reality of the economy is very certain for American families.

While the headlines about Iraq have all but vanished from the front pages and television screens and the administration continues to divert attention elsewhere, we have a fundamental obligation as elected representatives of the American people to continue to focus on the war until we change the policy and bring our troops home.

We marked the first year anniversary of the President's decision to initiate a troop escalation in Iraq, and we are coming upon the fifth anniversary of the invasion of Iraq.

Last night, in his State of the Union Address, the President described the surge in very positive terms. Make no mistake about it—we all know this—our soldiers have succeeded in their mission with bravery and heroism and violence in many parts of Iraq is, in fact, down. Yet despite all that, despite all that effort, despite all that work, Iraq today is still not a secure nation, and it will not be secure until its leaders can leave the Green Zone without fear of assassination. It will not be secure until they can leave the Green Zone without fear of suicide bombings. It will not be secure until its own national Army and police forces can stand up and protect all of Iraq's people without regard to ethnicity or creed.

In assessing whether the surge has worked, we should pay attention to the President's words from a year ago. President Bush declared in January 2007, when he first announced the surge:

Iraqis will gain confidence in their leaders and the government will have the breathing space it needs to make progress in other critical areas.

Those are the President's words. So let's judge this issue by his words. Judged by those standards enunciated by the President, we can only conclude the surge has not worked, if that is what the objective was. I add to that, when I was in Iraq in August and I talked with Ambassador Crocker about the terminology used by this administration with regard to the war, because I said sometimes the terminology is way off and misleading, he said: The way I judge what is happening here is

whether we can achieve sustainable stability. That is what he said, sustainable stability.

Based upon what Ambassador Crocker said and based upon what the President said, if we measure what is happening now against those standards, the surge has not worked, based upon those assertions by the Ambassador and by the President.

The troop escalation did not prompt the Iraqi Government to make the hard choices or to meet the benchmarks laid out by the administration. As General Petraeus told me in that same meeting this past summer in Baghdad, the war in Iraq can only be won politically, not militarily, and he said that on the public record as well. But on national reconciliation, oil sharing, and other key issues where Iraqis must forge agreement in order to allow U.S. forces to eventually withdraw, we do not see nearly enough progress. In fact, the evidence of substantial progress is very bleak.

We heard recently about things that have been happening in Iraq. Although the Iraqi Parliament passed a deBaathification measure this past month, it is unclear how far the legislation will go toward addressing Sunni concerns, since serious disagreements exist on the law's implementation. Some contend that former Baathists will still be barred from important ministries such as Justice, Interior, and Defense.

As has often occurred in the past, once again the Iraqi political leadership has chosen to avoid the hard choices and instead kick the can down the road, ensuring further bloodshed and national fragmentation in the interim.

We all know how long this war has endured. It has endured longer than the war we know as World War II. It is longer than that war, with over 3,900 dead, 178 Pennsylvanians, the number of wounded in Pennsylvania is about 1,200 or more; across the country, 28,000. Our military forces have done everything we have asked of them. They have matched the bravery and success in every way possible of those great American warriors who preceded them in past conflicts. But our troops, the best fighting men and women in the world, cannot force a foreign government to be stable, they cannot force the Iraqi national police to put aside their deep-seated sectarianism and corruption, and they cannot force Iraqi political leaders to want progress as much as our troops do and as much as the Iraqi people deserve.

We have much to do to make progress. But here is what is happening lately. This is a very important point, and I conclude with it. The President is showing every sign that he intends, in the waning days of his administration, to lock the United States and, in particular, to lock our fighting men and women into a long-term strategic commitment in Iraq without consultation with the elected representatives of the

American people in Congress. He has signaled to the Iraqi Government that the United States can maintain significant U.S. troop levels in Iraq for at least 10 years—10 years—if not longer. He seeks to negotiate a long-term strategic agreement with the Iraqi Government that would commit the United States to providing security assurances to the Iraqi Government against external aggression—an unprecedented commitment that could embroil the United States in a future regional conflict or even a full-scale Iraqi civil war. The President's senior aides have proposed that such an agreement would need to be ratified by the Iraqi Parliament—the Iraqi Parliament—and bypass the U.S. Congress. That is unacceptable to me and I think to anyone in this body and to the American people, and it is why five other Members of this body joined me in December in sending a letter to the President stating that the Congress must be a full and coequal partner in extending such long-term commitments.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter of December 6, 2007, to the President.

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

U.S. SENATE,

Washington, DC, December 6, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write you today regarding the "Declaration of Principles" agreed upon last week between the United States and Iraq outlining the broad scope of discussions to be held over the next six months to institutionalize long term U.S.-Iraqi cooperation in the political, economic, and security realms. It is our understanding that these discussions seek to produce a strategic framework agreement, no later than July 31, 2008, to help define "a long-term relationship of cooperation and friendship as two fully sovereign and independent states with common interests".

The future of American policy towards Iraq, especially in regard to the issues of U.S. troop levels, permanent U.S. military bases, and future security commitments, has generated strong debate among the American people and their elected representatives. Agreements between our two countries relating to these issues must involve the full participation and consent of the Congress as a co-equal branch of the U.S. government. Furthermore, the future U.S. presence in Iraq is a central issue in the current Presidential campaign. We believe a security commitment that obligates the United States to go to war on behalf of the Government of Iraq at this time is not in America's long-term national security interest and does not reflect the will of the American people. Commitments made during the final year of your Presidency should not unduly or artificially constrain your successor when it comes to Iraq.

In particular, we want to convey our strong concern regarding any commitments made by the United States with respect to American security assurances to Iraq to help deter and defend against foreign aggression or other violations of Iraq's territorial integrity. Security assurances, once made, cannot be easily rolled back without incurring a

great cost to America's strategic credibility and imperiling the stability of our nation's other alliances around the world. Accordingly, security assurances must be extended with great care and only in the context of broad bipartisan agreement that such assurances serve our abiding national interest. Such assurances, if legally binding, are generally made in the context of a formal treaty subject to the advice and consent of the U.S. Senate but in any case cannot be made without Congressional authorization.

Our unease is heightened by remarks made on November 26th by General Douglas Lute, the Assistant to the President for Iraq and Afghanistan, that Congressional input is not foreseen. General Lute was quoted as asserting at a White House press briefing, "We don't anticipate now that these negotiations will lead to the status of a formal treaty which would then bring us to formal negotiations or formal inputs from the Congress." It is unacceptable for your Administration to unilaterally fashion a long-term relationship with Iraq without the full and comprehensive participation of Congress from the very start of such negotiations.

We look forward to learning more details as the Administration commences negotiations with the Iraqi government on the contours of long-term political, economic, and security ties between our two nations. We trust you agree that the proposed extension of longterm U.S. security commitments to a nation in a critical region of the world requires the full participation and consent of the Congress as a co-equal branch of our government.

Sincerely,

ROBERT P. CASEY, JR.,
ROBERT C. BYRD,
EDWARD M. KENNEDY,
JIM WEBB,
HILLARY RODHAM CLINTON,
CARL LEVIN,
United States Senators.

Mr. CASEY. We now learn that the President, in signing the Department of Defense authorization bill into law yesterday, has once again taken the opportunity to issue another infamous signing statement, imposing his own interpretation of a law over the clear intent of the Congress.

Let's not forget that this important legislation has been needlessly delayed for weeks because the President wanted to defer to concerns of the Iraqi Government over compensation for U.S. victims of Saddam Hussein's acts of terrorism. Let me repeat that. A critical pay raise for our troops was delayed because a foreign government raised concerns with this White House.

In signing the Department of Defense authorization bill into law, the President declared his right to ignore—ignore—several important provisions, including the establishment of an important special commission to review wartime contracting. This provision was an initiative of the Senate Democratic freshmen class, led by Senators WEBB and MCCASKILL. The President also declared his right to ignore a provision prohibiting funding for U.S. military bases or installations in Iraq that facilitate "permanent station" of U.S. troops in Iraq.

Let me say that again in plain language. This provision sought to prevent the United States from establishing permanent bases in Iraq, and

the President has indicated he may ignore—ignore—this provision. Every time senior administration officials are asked about permanent military bases in Iraq, they contend it is not their intention to construct such facilities. Yet this signing statement issued by the President yesterday is the clearest signal yet that the administration wants to hold this option in reserve. This is exactly the wrong signal to send both to the Iraqi Government and its neighbors in the region and to others as well.

Permanent U.S. military bases gives a blank check to an Iraqi government that has shown no evidence that it is ready to step up and take full responsibility for what happens in Iraq. Permanent U.S. military bases feeds the propaganda of our enemies, who argue that the U.S. invasion in 2003 was carried out to secure access to Iraq's oil and establish a strategic beachhead for the U.S. military in the region. Permanent U.S. military bases means U.S. troops will be in Iraq for years to come, ensuring that the great strain on the American military will continue indefinitely.

Finally, and I will conclude with this, we have a lot on our plate this year to deal with. We have the economy to deal with and so many other difficult issues, but the war in Iraq continues to be a central foreign policy challenge faced by the President, by the Congress, and by the Nation. When this President departs office after 8 years, he should not—should not—commit our soldiers and our Nation to 10 more years—10 more years—if not longer, and hundreds of billions of dollars, if not more, spent on the war in Iraq.

Mr. President, I yield the floor, and 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. INHOFE. 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. INHOFE. Mr. President, it is my understanding, under a previous unanimous consent request, that I would be recognized for up to 35 minutes.

The PRESIDING OFFICER. That is correct.

THE THIRD REASON

Mr. INHOFE. Mr. President, I don't very often do this, but I am going to make a presentation today, and I would like to give it a title, and the title is "The Third Reason." The subtitle very likely could be "The third reason we are winning in Iraq, and we should be in Iraq."

I have to say that I have had occasion to be there many times, and there is no doubt in my mind and, I don't doubt, in many people's minds that we are actually winning in Iraq. But be-

fore I address this, I would like to point out something very few people are aware of; that is, the mess that was inherited by George W. Bush right after 9/11.

First of all, if we look back during the 1990s, there was this euphoric attitude that the Cold War was over and we no longer needed a national defense system. So during the 1990s, during the Clinton administration, we started decimating the system. And I have the documentation here because a lot of people don't understand this.

If you would take what happened in the first year, or the last year of the previous administration over the first year the Clintons had control of the budget, and if we had taken a flat amount to determine how much we were going to be spending on defending America, then draw a straight line and only add into that the inflation—in other words, that is what it would be if we didn't do anything else—well, the budget that came from the White House is this red line down here. If you take the difference between the red line and what would have been a flat budget, it is \$412 billion. In other words, \$412 billion came out of our defense system. However, the good news was that Congress looked at that and said that is too big of a cut, so they intervened and raised President Clinton's budget up to this brown line in the middle. So what was inherited by this President was an amount \$313 billion less than it would have been if it had just been a static amount.

Now, that would have been bad enough—and I have always contended we have to make that the No. 1 priority in America: to defend America—but to make it worse, on 9/11 we went to war, and then we were pushed into a situation of going into and liberating Iraq, and all of a sudden, people started standing on the floor of the Senate and saying things like: Well, how in the world could this President be getting into deficits, how could he be spending so much, and all of this. This is the reason: because we started off \$313 billion less than during the time period of the previous administration. That is the seriousness of it.

Now, I say that just because I recall so well the confirmation hearings for the Secretary of Defense, Secretary Rumsfeld. During his confirmation hearings, they were making statements at that time about what were they going to do with the problems that were there and that we are underfunded in the military, that our modernization program has gone sideways, our force strength is not what it should be, and what should we do about that. This was all live on TV.

During the confirmation hearing—and I was on the Senate Armed Services Committee—I said: Mr. Rumsfeld, we have a problem I see as very serious, and that is you are going to get all of your generals around you, we are going to get all these smart people, and they are going to be asked what are we

going to be confronted with 10 years from today, and the generals, as smart as they are, are going to be wrong.

I can remember what I said at that meeting 7 years ago. I said: The last year I was in the House of Representatives, I was attending a House Armed Services Committee hearing, and in that committee hearing an expert witness said: Ten years from now, we will no longer need ground troops in America.

Of course, we saw what happened in Kosovo and Bosnia, and we knew that was wrong. So I said: Since we can't tell where we are going to be 10 years from now, and there is a lead time in preparing for war or a contingency, what is the answer to this thing? We don't know if we are going to have the best strike vehicles or lift vehicles or the best artillery pieces.

He said: I have made a study of that, and you are asking the right person, because in the average year, for the 100 years of the 20th century, we spent 5.7 percent of our GDP on defense. At the end of the 1990s, it went down to 2.7 percent.

I said: Down to 2.7 percent. Where should it be?

He said: We don't know for sure but somewhere in excess of 4 percent, probably 4½ percent, which is still less than it was for the previous several hundred years.

That was kind of interesting to me because when you look right now, how many people in America realize there are some things we have that are not as good as some of our potential adversaries?

I would say that one of my heroes prior to the time he was Chief of the Air Force was GEN John Jumper. General Jumper stood up and said publicly—in 1998, I believe it was—he said: Now the Russians are making a strike vehicle that is better than our best, and he talked about the SU-27s and the SU-30s. Our best were the F-15s and the F-16s. That was a shocking statement. So we started working on the F-22 and the F-35, the Joint Strike Fighter.

Right now, the best piece of artillery we have in our arsenal is World War II technology. It is a Paladin. It is something where you have to get out after every shot and swab the breech the way you did back in World War II. So now we are stepping ahead. But this has all happened during this administration, where we now have the new FCS—Future Combat System—that is going to revolutionize, for the first time in probably 40 years, how we fight battles.

I only say that because this is something we are going to have to contend with in the future, and it also paints a pretty good picture as to where we were when this thing happened on 9/11.

I would like to suggest there are three reasons we went into Iraq. The liberation of Iraq is the first one, and that is called to my mind now because I had an experience—you will enjoy this, I say to my good friend from Arkansas, who is occupying the chair—