

BROWN, fight for all of us at ABX, ASTAR and DHL. We need all of you in our government to fight hard for us and Ohio.

Someone from Blanchester, just south of Wilmington, said:

I am a 19-year pilot for Astar Air Cargo; a 16-year member of the pilot's union. My wife and I became residents of Ohio when DHL consolidated their main sort facility in Wilmington, OH.

At first we did not want to move, but as a loyal employee I wanted to live close to my employer. So my wife and I built a home in Brown County near town, and I looked forward to finishing my career there. We, unlike DHL, made a long-term commitment to the local area. I am realistic that I realize the last flight of ASTAR is on the horizon. I know in today's business environment there is usually little chance of stopping large corporations from following through with their announced plans. My wish is that you use any influence you might have with the Department of Justice or other agencies that will have to approve DHL's planned partnership with UPS to compel DHL to abide by their commitment to the pilots of ASTAR, the commitment to job security, growth and a long career they promised in the latest collective bargaining agreement.

DHL and their owner, the Deutsche Post, needs to be held accountable for commitments they made to the people, the workers, and the communities of southwest Ohio.

The last note I will share is from someone in Midland.

I am writing today to ask you to all consider the devastating effect that the loss of these thousands of jobs will do to our families, counties, and State, if DHL does, in fact, pull out of Wilmington, OH. Everyone I know has a family member or friend who works in that facility. I have two daughters who work there as well. They are single parents, and the fear of loss of income, home, and car is in their every thought at this time. I cannot imagine how terrible this will be for them, and they have family to fall back on. What will happen to others who do not have that support system in place?

We are all fighting to keep this place open. It matters to our economy, it matters to our State, it matters individually to so many people.

Those were four or five of them. In the communities, you know what happens when people lose their jobs, and there are so many of them, especially in a small town. You know what it means to the school system, what it means to police protection, fire protection, all that people in our middle-class society and workers rely on. That is why I share these stories. I will share these with the White House, I will share those same stories with Deutsche Post. We want them to come to the table and talk to us about a different contract that can keep those workers there. It will matter for Wilmington, it will matter for southwest Ohio, it will matter for our country.

I yield the floor and 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. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EXECUTIVE SESSION

#### NOMINATIONS OF GENERAL DAVID H. PETRAEUS AND LIEUTENANT GENERAL RAYMOND T. ODIERNO TO BE GENERAL

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to executive session and continue consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gen. David H. Petraeus, Department of the Army, to be general.

Mr. BYRD. Mr. President, I will vote no on the nomination of GEN David H. Petraeus, the current commander of the Multi-National Force—Iraq, to be Commander, U.S. Central Command. I was unable to attend General Petraeus' nomination hearing before the Armed Services Committee because I was managing the supplemental appropriations bill on the Senate floor, but I reviewed his testimony. I also posed a number of questions to General Petraeus after the hearing, and studied his responses.

I appreciate General Petraeus' evident intelligence and his expertise and experience in Iraq. He wrote the book on countering insurgencies for the Army. He led the 101st Airborne Division during the V Corps drive to Baghdad in 2003. He established the Multi-National Security Transition Command Iraq in 2004. He has served as Commander of the Multi-National Force—Iraq since January 2007. He is the architect of the so-called surge strategy that is even now being played out in Iraq.

The surge strategy is, in fact, one of the reasons why I believe General Petraeus should remain in his current position as Commander of the Multi-National Force—Iraq. Marshal Ferdinand Foch, Supreme Commander of the Allied Armies at the conclusion of World War I, observed in his 1920 book, "Precepts and Judgments", that "Great results in war are due to the commander. History is therefore right in making generals responsible for victories—in which case they are glorified; and for defeats—in which case they are disgraced." The book is still out on the success or failure of the surge strategy. General Petraeus should bring it to its conclusion before he is rewarded with a promotion.

Continuity of command has been a problem in Iraq. Historically, when the United States has been involved in protracted conflicts, continuity of command has been maintained, be it Generals Eisenhower or MacArthur during World War II, or General Westmoreland during the Vietnam conflict. General Petraeus has only been in his current position for 18 months. Since President Bush believes that General Petraeus

has done well in his current position, but he, Secretary Gates and General Petraeus have all described the security situation in Iraq as tenuous and reversible, it does not seem prudent to remove the mastermind behind the fragile successes that have been thus far achieved.

Almost 1 year ago, on July 14, 2007, President Bush said in a radio address that, "When America starts drawing down our forces in Iraq, it will be because our military commanders say the conditions on the ground are right—not because pollsters say it would be good politics." That strategy does not work well, however, when you keep changing commanders. No new commander is going to come in and say 'reduce the troop levels on my watch,' because if, through their lack of familiarity with the conditions on the ground, they are wrong, that defeat would be their disgrace, just as Marshal Foch observed in 1920. So, a year after President Bush's statement, troop levels in Iraq are only just returning to something close to the pre-surge levels of January 2007, when General Petraeus assumed command in Iraq. If, as General Petraeus has said, no further decisions on additional drawdowns will be made until sometime in the fall of 2008, a new commander will be called upon to make that decision.

I am also concerned about General Petraeus' unwillingness to address questions regarding other regional issues, such as in Afghanistan or Iran, during his nomination hearing. Such evasiveness is not politic; it is troubling at a time when news reports suggest that the Taliban is resurgent in Afghanistan and that President Bush may be contemplating military action against Iran. Despite the press of his responsibilities in Iraq, General Petraeus must be concerned with how other operations or other political considerations in the same theater affect his options in Iraq. Equally, he must consider how political changes in his chain of command might affect his operations in Iraq, yet he will not admit even the existence of contingency plans for potential troop drawdowns that might be required by a new administration. If the competing priorities for manpower and materiel are to be sorted out at the CENTCOM level, it must be done with a clear understanding of what is possible and what is achievable, by someone willing to take a stand in support of all the men and women who will be called upon to carry out those priorities, not by someone who only salutes and carries out orders or by someone who knows only a fraction of the full situation. General Petraeus' career will be judged in large part by his role in the Iraq conflict; his reticence to address other regional issues raises questions about his willingness to devote the focus and the resources needed to address them properly.

Finally, the repeated rotations of U.S. soldiers to Iraq and Afghanistan

are taking a toll on our military. Elements of the 4th Infantry Division, 1st Infantry Division, 1st Cavalry Division, and the 172nd Infantry Brigade are facing a third tour in Iraq and Afghanistan. Elements of the 82nd Airborne Division are facing a fourth tour. With these repeated tours and the continuation of the "stop loss" policy of forcibly retaining troops on active duty in order to maintain unit integrity necessitated by the strain this war is placing on our forces, it is difficult to understand why these troops should not be entitled to a continuity of command. The troops appreciate the effectiveness of working together as a unit when confronting danger on a regular basis. They deserve a leadership corps that, like them, functions together as a unit and stay together.

More than 12,000 servicemembers are currently affected by "stop loss" orders that prohibit them from retiring or leaving the service even though they are eligible for retirement or their terms of enlistment have expired. That total includes 6,800 active-duty Army personnel, about 3,800 Army National Guard personnel and almost 1,500 Army Reservists who are not allowed to leave military service despite having fulfilled their service obligations.

LTG James Thurman, the Army's deputy chief of staff for operations, has said that he hoped, but could not promise, that if the demand for troops stabilized at around 15 combat brigades, the use of the "stop loss" could be ended by the end of fiscal year 2009, or the beginning of fiscal year 2010—in September or October of 2009, more than a year from now. "But demand exceeds supply right now," he stated. For the 12,000 affected servicemembers, and those who will become eligible to retire or leave service between now and late 2009, this amounts to another 18 months of forced conscription. Until the practice of "stop loss" is ended, perhaps General Petraeus and other military leaders should remain in their current assignments until the U.S. can transition the responsibility for the security of Iraq to Iraqis.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Will the Senate advise and consent to the nomination of GEN David H. Petraeus to be general?

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 171 Ex.]

YEAS—95

Akaka	Dole	Menendez
Alexander	Domenici	Mikulski
Allard	Dorgan	Murray
Barrasso	Durbin	Murkowski
Baucus	Ensign	Nelson (FL)
Bayh	Enzi	Nelson (NE)
Bennett	Feingold	Nelson (NE)
Biden	Feinstein	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Hagel	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Cantwell	Inouye	Sessions
Cardin	Isakson	Shelby
Carper	Johnson	Smith
Casey	Kerry	Snowe
Chambliss	Klobuchar	Specter
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wicker
Dodd	McConnell	Wyden

NAYS—2

Byrd Harkin

NOT VOTING—3

Kennedy McCain Obama

The nomination was confirmed.

The PRESIDING OFFICER. The question now is, Will the Senate advise and consent to the nomination of Lt. Gen. Raymond T. Odierno to be General?

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 172 Ex.]

YEAS—96

Akaka	Coburn	Hagel
Alexander	Cochran	Hatch
Allard	Coleman	Hutchison
Barrasso	Collins	Inhofe
Baucus	Conrad	Inouye
Bayh	Corker	Isakson
Bennett	Cornyn	Johnson
Biden	Craig	Kerry
Bingaman	Crapo	Klobuchar
Bond	DeMint	Kohl
Boxer	Dodd	Kyl
Brown	Dole	Landrieu
Brownback	Domenici	Lautenberg
Bunning	Dorgan	Leahy
Burr	Durbin	Levin
Byrd	Ensign	Lieberman
Cantwell	Enzi	Lincoln
Cardin	Feingold	Lugar
Carper	Feinstein	Martinez
Casey	Graham	McCaskill
Chambliss	Grassley	McConnell
Clinton	Gregg	Menendez

Mikulski	Salazar	Sununu
Murkowski	Sanders	Tester
Murray	Schumer	Thune
Nelson (FL)	Sessions	Vitter
Nelson (NE)	Shelby	Voinovich
Pryor	Smith	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Stevens	Wyden

NAYS—1

Harkin

NOT VOTING—3

Kennedy McCain Obama

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, en bloc, and the President will be immediately notified of the Senate's action.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank all the Members of the Senate. We just had two historic votes. The men and women in the Armed Forces, particularly those serving in Iraq and Afghanistan, will be greatly heartened to hear that the Senate has given the strongest possible advice and consent, each Member coming to the floor and casting their vote. I think it is a landmark situation and one which is respected and appreciated across our uniformed services and the many civilians who serve with them.

I yield the floor.

Mr. FEINGOLD. Mr. President, it is generally my policy to defer to Presidents on executive branch nominations. Accordingly, I voted to confirm the nominations of General Petraeus and Lieutenant General Odierno. However, I am concerned that General Petraeus has not always been forthright in his congressional testimony about matters such as the limitations of the Iraqi Security Forces and Iran's influence over the Iraqi government. I am also concerned that General Petraeus, as CENTCOM Commander, would continue to prioritize deployments to Iraq over Afghanistan, despite al-Qaida's safe haven along the Afghanistan border in Pakistan and its support for a resurgent Taliban. I look forward to a new administration that recognizes that the Iraq war is a distraction from our top national security priority—the global fight against al-Qaida and its affiliates.

Mr. HARKIN. Mr. President, today, the Senate considered nominations for two very important positions that will affect how our country moves forward in Iraq and the Middle East. While I highly respect the service that these men have provided to their country, I do not believe that either General Petraeus or Lieutenant General Odierno will take the United States in the direction that we need, particularly in Iraq where we need a timetable for redeployment of United States forces so that our country can begin to more effectively address the very real

threat posed by terrorists in other areas, such as Afghanistan, as well as around the globe.

I believe that General Petraeus has been an unapologetic supporter of this misguided war in Iraq, continually toeing the administration's party line and failing to acknowledge many of the grave failings that have occurred. The military alone will not be able to stabilize Iraq, we must understand the political and diplomatic situation at hand, and I do not believe that under General Petraeus' leadership, the necessary reconciliation to allow the Iraqi Government to take control has occurred. General Petraeus has shown no willingness to take us in this new direction, and it is for this reason that cannot support his nomination.

With respect to Lieutenant General Odierno, I believe that his past command of the 4th Infantry Division demonstrated what I consider to be serious flaws in judgment. General Odierno refused to characterize the insurgency that began after the fall of the Saddam Hussein regime as anything that was serious and worthy of U.S. strategy shift. As we know, the failure to correctly assess the nature of the insurgency helped fuel years of violence in Iraq.

We are long overdue for a new course in Iraq. The tragically overwhelming costs of this war in both lives and resources have distracted us from the initial task of fighting al-Qaida. It is time that we have leaders who will be able to independently assess our military mission in Iraq, Afghanistan, and the Middle East rather than unquestionably support the failed policies of this administration.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

#### AMERICAN HOUSING RESCUE AND FORECLOSURE PREVENTION ACT OF 2008—Continued

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

#### REQUEST TO BE EXCUSED

Mr. STEVENS. Madam President, I ask unanimous consent that I be excused from the call of the Senate until the first vote that occurs on July 14.

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

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

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

#### ENERGY

Mr. SANDERS. Madam President, I want to take a moment to speak about one of the most important issues facing our country right now, and that is the energy crisis, in terms of the high cost of energy and the fact that people will be suffering very significantly this coming winter—in fact, this summer—if we do not address it.

In that regard, on June 24, I introduced S. 3186, the Warm in Winter and Cool in Summer Act, to provide immediate relief to millions of senior citizens, families with children, and the disabled, who are struggling to pay their home energy bills. Specifically, this bill would nearly double the funding for the highly successful Low-Income Home Energy Assistance Program, commonly called LIHEAP, in fiscal year 2008, taking LIHEAP from \$2.57 billion to \$5.1 billion, a total increase of over \$2.5 billion.

I thank Majority Leader REID for completing the rule XIV process for this important piece of legislation and placing it directly on the Senate calendar. My understanding is that we will have this bill on the floor before we recess for the August vacation. It is important we do that, and I thank Senator HARRY REID very much for allowing us to move forward in that direction.

I also thank the 26 Senators who are cosponsors of this tripartisan legislation. This bill absolutely is a tripartisan piece of legislation. At this point, we have 18 Democrats on board, we have 8 Republicans on board, and I expect more will be coming on in the coming days and weeks. I thank Senators OBAMA, COLEMAN, LEAHY, SMITH, DURBIN, SNOWE, MURRAY, SUNUNU, LANDRIEU, COLLINS, MURKOWSKI, CLINTON, LUGAR, CANTWELL, GREGG, KERRY, CARDIN, KENNEDY, SCHUMER, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, STABENOW, and LAUTENBERG for their support.

This legislation not only has strong bipartisan support here in the Senate, it is also moving in the House, and it also has been endorsed by numerous groups all across this country, including the AARP, the National Grange, the National Conference of State Legislatures, the National Community Action Foundation, the National Association of State Energy Officials, the Alliance For Rural America, the Northeast Public Power Association, the National Consumer Law Center on behalf of its low-income clients, the Edison Electric Institute, the National Fuel Funds Network, and the Petroleum Marketers Association of America.

I think we are going to show more and more support in coming weeks, but there is a widespread understanding

that we are facing a crisis in this country and that the President and the Congress have to act.

Let me read a support letter I received from the AARP, the American Association of Retired Persons. As you know, the AARP represents over 39 million Americans, and this is what the AARP said.

AARP fully supports the Warm in Winter and Cool in Summer Act. This legislation will provide needed relief for many older persons who may not receive assistance—despite their eligibility—due to a lack of funding. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They often skimp on other necessities to pay their utility bills. However, today's escalating energy prices and the Nation's unpredictable and extreme temperatures are adding to the growing economic hardships faced by seniors. LIHEAP is underfunded and unable to meet the energy assistance needs of the program's eligible households.

I thank the AARP very much for their strong support of this legislation.

Let me also quote from a very recent New York Times editorial. This is what the New York Times said the other day.

A bill just introduced in the Senate would provide about \$2.5 billion under the Low-Income Home Energy Assistance Program. Half would be released to the States to help low-income residents pay their energy bills and half would sit in a contingency fund that could be tapped at the discretion of the President. When the bill comes up for a vote, likely later this month, Congress should approve it and President Bush should sign it into law. As the economy slows and oil prices rise, helping Americans who cannot afford to heat their homes is a matter of public health and safety as well as a moral imperative. People without adequate heat are vulnerable to illness, and people struggling to pay the heating bills may be tempted to skimp on medicines and even food. No one should have to choose between heating and eating. If they act this summer, as they must, before the Presidential and congressional campaigns send everyone home, Congress and President Bush can help make sure that nobody has to make that choice.

That is from the New York Times, and I appreciate the support of the New York Times on this issue.

Make no mistake about it, we have an energy emergency in Vermont and all across this country, and it is about time the President and the Congress treated this as the emergency it is. As many of my colleagues understand, the price of heating oil skyrocketed last winter, making it extremely difficult for some of my constituents and people all across this country to stay alive, especially when the temperature dropped well below zero. Next winter will even be worse.

At this time last year, heating oil prices were about \$2.50 a gallon. Today, they are about \$4.50 a gallon. Fuel dealers in Vermont are telling me that if this trend continues, heating oil prices could surpass \$5 a gallon by December. I must tell you, Madam President, that all across my State people are very worried about how they will in fact be able to adequately heat their homes next winter.