

are serious allegations that require a serious and thorough investigation and scrutiny. Those who are accused of these crimes should be prosecuted upon the review of the evidence.

As I have said in the past about this conflict, our success will be determined by a belief among Afghans that justice can be delivered by its government. The people of Afghanistan have a right to expect honest government officials working on behalf of the public good, working on behalf of the people, not to enrich themselves, not to provide advantages for the elite in Afghanistan, not just to provide advantages for the wealthy but to make sure that the people are the beneficiaries of a clean, honest government and the kind of effective services that the people should have a right to expect.

The people also have a right to expect a police force capable of protecting the population against criminals. They do have that right. They also have a right to a fair and efficient system of justice in Afghanistan, capable of delivering verdicts based upon the rule of law and not according to the barbaric code embraced by the Taliban. Unfortunately, today, we don't yet see a government in Afghanistan that is fully capable of providing this kind of justice. So we have to monitor what is happening there. We have to make sure we see results and not just rhetoric. We have to see the reality of progress on security, on justice, on the delivery of services—not just the aspiration but the delivery of results.

As we consider the nomination of General Petraeus—and as I mentioned before, a nomination I fully support—I hope this nomination will be one of the reasons we will have a more substantial discussion or debate about the policy here in the Senate. That is where that debate should take place, as it takes place in the House and outside of the Capitol and across America. We should have in the Senate a debate or a reengagement of the debate about this policy. We owe it to our fighting men and women to do nothing less than that, to be committed to examining every aspect of the conflict in the weeks and months ahead. We must continue to ask and get answers to the tough questions on security, on governance, and on the delivery of services, to mention three broad areas of review, analysis, and, of course, inquiry.

As allegations of Afghan Government corruption emerge, oversight is essential when we hear these allegations. If the Afghan national police and army are not hitting their recruitment and training targets, for example, we need to know why. The American people and the Afghan people have a right to expect that we and the Afghanistan leadership, starting with President Karzai, get answers to those tough questions about the security, and especially about the army and the police.

I spoke yesterday of my commitment, and the commitment of so many

others in this Chamber, to helping stem the flow of ammonium nitrate into Afghanistan from its neighbors, particularly Pakistan and the countries of central Asia. This deadly ingredient is used in most of the IEDs found in Afghanistan—bombs which have grown more powerful in recent months. We are now getting reports of the destructive power of IEDs not only to kill and to maim our troops who happen to walk near one of these explosive devices but to literally lift up an MRAP—this great vehicle we have been able to produce that lessens the chances that an explosion under the vehicle will kill someone. The explosions are now so great that they have been lifting up the MRAP and flipping it on its head and killing or gravely injuring troops not because the bottom technology and the engineering wonder that has saved so many lives is giving out, but because the vehicle itself is being lifted up and then smashed down in a way we couldn't even imagine maybe even a year ago or months ago.

As I mention the impact of ammonium nitrate as the destructive ingredient in the IEDs, it so happens that Sergeant Caskey, the marine I spoke of earlier from Pennsylvania, who we believe is the fiftieth soldier killed in action in Afghanistan, was killed by an IED, as so many others—hundreds and hundreds—have been killed in that manner.

This concern about ammonium nitrate is just one of a series of regional concerns that we have with respect to the conflict in Afghanistan. Pakistan has recognized the severity of the threat posed by the Afghan and Pakistani Taliban. The Pakistani forces have suffered heavy losses within their own borders, and I respect the commitment they have shown as the struggle continues. While the battle has been tough and difficult, we will need more help from the Pakistani people and their security forces in the weeks and months and years ahead.

We have no better military leader to take on this challenge at this time than General Petraeus. As we confront this enormous challenge, our country has called upon him again and he has answered affirmatively to that call. I believe General Petraeus has the experience, the knowledge, the insight, and of course the respect of not only leaders in the military but also leaders in the region and, of course, he has the respect and support of the American people. So we should be happy and affirmative about that part of the story even as we confront allegations of corruption, even as we confront more and more troops wounded and killed in action, even as we confront the challenge of this policy.

The minimum we must do in the Senate is to make sure that the oversight we provide, the debates we engage in, and all of the work that we do in the Senate that relates to this policy, at a minimum attempts to justify and to be equal to the commitment of our troops.

Their job is so much more difficult than our job. We don't have to put our lives on the line. We debate and we learn and we try to move the policy forward, but the least we should do is to have a debate that matches or at least attempts to be equivalent to the sacrifice that they display every day.

When we think of our troops, we mourn, of course, those who have been killed in action, and we also remember and salute and celebrate the contributions of those who have served and who come home with an injury, sometimes grievously wounded.

Of course, we remember and salute those who serve and, fortunately, with the blessing of God, are not killed or not wounded and they can come home and be reunited with their families, with their communities.

We remember all those, as Abraham Lincoln said a long time ago: "Him who has borne the battle." Of course in 2010 we are talking about him and her, those who have borne this battle.

We have a long way to go as it relates to this policy but, as we are thinking tonight of the hope we have in General Petraeus's leadership, the confidence we have in his ability and his commitment—he is a patriot like few others—even as we are hopeful about that we remember those who lost their lives, such as Sergeant Caskey, of West View, PA, and so many others who have served, and their families, who have loved and lost.

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

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

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.R. 4213.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Reid (for Baucus) motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4386 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute.

Reid (for Baucus) amendment No. 4387 (to amendment No. 4386), to change the enactment date.

Reid motion to refer in the amendment of the House to the amendment of the Senate to the bill to the Committee on finance, with instructions, Reid amendment No. 4388, to provide for a study.

Reid amendment No. 4389 (to the instructions (amendment No. 4388) of the motion to refer), of a perfecting nature.

Reid amendment No. 4390 (to amendment No. 4389), of a perfecting nature.

Mr. REID. I ask unanimous consent that the motion to refer be withdrawn.

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

Mr. REID. I ask unanimous consent that the motion to concur in the House amendment to the Senate amendment to H.R. 4213 with the Baucus amendment 4386 be withdrawn.

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

MOTION TO CONCUR WITH AMENDMENT NO. 4425

(Purpose: In the nature of a substitute)

Mr. REID. I now move to concur in the House amendment to the Senate amendment to H.R. 4213 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to H.R. 4213 with an amendment numbered 4425.

Mr. REID. I ask unanimous consent that further reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4426 TO AMENDMENT NO. 4425

Mr. REID. I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4426 to amendment No. 4425.

The amendment is as follows:

At the end of the amendment, insert the following:

The provisions of this Act shall become effective 3 days after enactment.

CLOTURE MOTION

Mr. REID. I have a cloture motion on the motion to concur at the desk and ask that it be stated.

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, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 4213, the American Jobs and Closing Tax Loopholes Act, with a Reid amendment No. 4425.

Harry Reid, Max Baucus, Jack Reed, Edward E. Kaufman, John F. Kerry, Sheldon Whitehouse, Carl Levin, Roland W. Burris, Richard J. Durbin, Jeff Merkley, Benjamin L. Cardin, Christopher J. Dodd, John D. Rockefeller, IV, Barbara Boxer, Patty Murray, Robert P. Casey, Jr., Charles E. Schumer.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

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

MOTION TO REFER WITH AMENDMENT NO. 4427

Mr. REID. I have a motion to refer with instructions at the desk, and I ask that that motion be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to refer the House message to the Senate Finance Committee with instructions to report back forthwith with an amendment numbered 4427.

The amendment is as follows:

At the end, insert the following:

The Committee on Finance is requested to study the economic impact of the delay in implementing the provisions of the Act on job creation on a national and regional level.

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4428 TO AMENDMENT NO. 4427

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4428 to amendment No. 4427.

The amendment is as follows:

At the end, insert the following:

"and include statistical data on the specific service related positions created."

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4429 TO AMENDMENT NO. 4428

Mr. REID. I now have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 4429 to amendment No. 4428.

The amendment is as follows:

At the end, insert the following:

"and the impact on the local economy."

MORNING BUSINESS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to a period of morning business,

with Senators allowed to speak for up to 10 minutes each.

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

REMEMBERING SENATOR ROBERT C. BYRD

Mr. ENZI. Mr. President, I am here today to pay respects to Senator BYRD, whose desk is now adorned with a black cloth and flowers. I know we will all long remember Monday as the day we received some very sad news, for on that day, as the morning began, we each learned in our own way that our good friend and colleague ROBERT BYRD had passed away just a few hours earlier. It should not have been a sudden shock. We all had time to prepare for this moment. We knew he had been having a period of ill health, but it still seemed as if he would be here forever. That is the kind of man ROBERT BYRD was.

A man of great gifts, he loved the written word and could recite his favorite poems from memory—at length. It was amazing how many speeches, reflections, and famous quotations were there at his command, in his quiver, ever ready and waiting for him to recite so he could emphasize an important point about an issue that needed to be made. That is the kind of man ROBERT BYRD was.

While it is true he was the longest serving Member of Congress in history, he was so much more than that. He was the historian of the Senate who knew more about our roots as a legislative body than anyone else. He was a master legislative craftsman, and whenever he spoke, we all listened carefully to see what he had to say about the matter we had taken up for deliberation. That is the kind of man ROBERT BYRD was.

No one had more respect and regard for the Senate and our legislative traditions and procedures than he did. He knew the rules, he knew why they were crafted that way, and he knew how to make good use of them to further the agenda he believed to be in the best interests of the people of our Nation. Once again, that is the kind of man ROBERT BYRD was. That is why it is so difficult to sum up his life in just a few well-chosen words.

There is no greater tribute we can pay to ROBERT BYRD than for the spirit of friendship and camaraderie, which were staples of his Senate service, to bring us all to the Senate floor to express our regrets and send our condolences to his family. It will also give us a chance to share our memories of someone we will never forget.

I will always remember the orientation he organized for the incoming class of new Senators each session for as long as he was able. Besides a strong historical welcome, he presented each of us with one volume of his four-volume history of the Senate. If we read it and were able to answer questions about it, then—and only then—would