



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159

WASHINGTON, TUESDAY, SEPTEMBER 10, 2013

No. 118

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the fountain of every blessing, tune our hearts to pray with power. Bless today the work of our lawmakers, empowering them to accomplish Your purposes on Earth, guided by Your wisdom and courage. Lord, inspire them to act justly, to love mercy, and to walk humbly with You as You give them the gifts of increasing awareness and openness of heart. Teach them to bring harmony from discord and hope from despair.

We pray in Your eternal Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

AUTHORIZING THE LIMITED AND SPECIFIED USE OF THE UNITED STATES ARMED FORCES AGAINST SYRIA—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 166, S.J. Res. 21.

The legislative clerk read as follows:

Motion to proceed to S.J. Res. 21 to authorize the limited and specified use of the United States Armed Forces against Syria.

SCHEDULE

Mr. REID. Mr. President, following my and Senator McConnell's remarks,

there will be a period of morning business until 11 a.m. this morning. At 11 a.m. we will resume consideration of the motion to proceed to the Syria resolution. The time until noon will be divided and controlled between the two leaders or their designees. The Senate will recess from noon until 2:15 p.m. to allow for our caucus meetings.

The leader and I have talked this morning—and prior to this morning—with regard to the energy efficiency bill. We automatically go to that bill at 11 a.m. We are trying to work out a way we can go to that bill. Senators SHAHEEN and PORTMAN have worked for more than a year to come up with a bill. We have not done an energy bill in a long time, so there is a desire on both sides to move forward on this.

Senator SHAHEEN and Senator PORTMAN have bipartisan amendments they want to offer to their bill, and I have expressed to the Republican leader that we need to move to that when we finish the Syria issue. I would like permission to move to that bill at the appropriate time. Once we get on the bill and we get the CR from the House, for example, I told the Republican leader—and everyone who wants to hear—that we don't have to finish the energy efficiency bill all at one time. We want to have an amendment process, and we will do that. I don't want to file cloture on the motion to proceed again, so we have instructed our staffs to try to come up with something before 11 a.m. that we can agree on.

I repeat. There will be amendments offered, and we will have adequate time to work on this. We may not be able to do it all at one time, but we will do it and finish this legislation.

SYRIA

Mr. President, we are engaged in a very important debate. The Syria debate is one that cannot be taken lightly, and I don't believe anyone has taken it lightly. The discussion and bipartisan resolution under consideration is simply too important to be

rushed through the Senate or given short shrift. So it is right and proper that the President be given an opportunity to meet with Senators from both parties, as he will today. He will meet with us at 12:30 p.m. When he finishes with us, it is my understanding he will report to Senator McConnell's conference.

In addition to that, he is going to address the Nation tonight. He is going to speak directly to the American people about the potential for limited military action to Syria. He will do that at 9 p.m. tonight.

As I said last night, it is appropriate to allow other conversations to go on. We now have—as a result of some work done by other countries—France, Russia, and we understand Syria is involved in this as well. This is aimed at avoiding military action. We will have to see if this works out.

It is very important to understand that the only reason Russia is seeking an alternative to military action is that President Obama has made it plain and clear that the United States will act, if we must. Our credible threat of force has made these diplomatic discussions with Syria possible, and the United States should not withdraw from the direction we are taking as a country.

If there is a realistic chance—and I certainly hope there is—to secure Syria's chemical weapons without further atrocities of the Asad regime, we should not turn our backs on that chance. But for such a solution to be plausible, the Asad regime must act quickly and prove that their offer is real and not merely a ploy to delay military action or action by the body of the Senate.

Any agreement must also assure that chemical weapons in the hands of Syria can be secured and done in an open process, even in the midst of this ongoing war we have in Syria. Any agreement must ensure that Syria is unable to transfer its dangerous chemical

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S6301

weapons to the hands of terrorists in that area. Such an attempt would be met with a rapid and robust response from the United States.

I am pleased the administration is considering this offer. I am pleased other countries are involved in addition to Russia. It is my understanding that France is heavily involved, as of a few hours ago, and I think that is the right direction at this time. We will move forward but under the general criteria I have suggested and outlined.

The Senate should give these international discussions time to play out but not unlimited time. That is why, although there is support to move forward and debate this bipartisan resolution reported by Senators MENENDEZ and CORKER—they did a terrific job for the committee last week—I didn't rush to file cloture, as I indicated last night, on the motion to proceed. We don't need to prove how quickly we can do this but how well we can do this.

The Syrian regime should fully understand that the United States is watching very closely. The Assad regime should be warned our country will not tolerate this breach of human decency and long-held international consensus against the use of chemical weapons.

UNANIMOUS CONSENT AGREEMENT—S. 1392

Mr. REID. Mr. President, I ask unanimous consent that the order with respect to S. 1392, which is the energy efficiency legislation, be modified so that the motion to proceed be agreed to at a time to be determined by me with the concurrence of the Republican leader—not consultation with him but concurrence with him.

THE PRESIDING OFFICER (Mr. MARKEY). Is there objection?

Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

SYRIA

Mr. MCCONNELL. Mr. President, first, I would like to welcome the President to the Capitol today. Members on both sides of the aisle are eager to hear from him and to share their own thoughts. We look forward to a spirited and constructive exchange.

It is often said that of all the questions we face as lawmakers, none is more serious or indeed more difficult than the question of whether to commit ourselves to military action. That is why it is so important for us to have this debate, to lay out the arguments for and against military action in Syria, to let the public know where we stand on this issue and why.

If debates such as this are always challenging, in some ways this one has been even more difficult, not because of some political calculus—though cynics will always suspect that—no, this debate has been made more difficult because even those of us who truly want to support the Commander in Chief have struggled to understand the purpose of the mission.

Over the past several days I have spoken with a lot of people—a lot of Kentuckians—and most of them are not exactly clear about the mission or shy about saying so. What I have told them is that I understand their concerns, and I share them. I also appreciate the war weariness out there, but then I tell them there are other potential concerns we cannot ignore either. Chief among them is the fact that the credibility of the Commander in Chief matters, and related to that is the fact that we cannot afford, as a country, to withdraw from the world stage. So no one should be faulted for being skeptical about this proposal, regardless of what party they are in, or for being dumbfounded—literally dumbfounded—at the ham-handed manner in which the White House announced it.

There is absolutely no reason to signal to the enemy when, how, and for how long we plan to strike them—none. As I have said before, we don't send out a save-the-date card to the enemy. Yet there are other important considerations to keep in mind as well that go beyond the wisdom or the marketing of the proposal.

I have spent a lot of time weighing all of these things. I thought a lot about America's obligations and the irreplaceable role I have always believed, and still believe, America plays in the world. I have also thought a lot about the context, about this President's vision and his record and what it says about whether we should be confident in his ability to bring about a favorable outcome in Syria because how we got to this point says a lot about where we may be headed. That is why, before announcing my vote, I think it is important to look back at some of the President's other decisions on matters of foreign policy and national security and then turn back to what he is proposing now in Syria because, in the end, these things simply cannot be separated.

It is not exactly a State secret that I am no fan of this President's foreign policy. On the deepest level I think it comes down to a fundamentally different view of America's role in the world. Unlike the President, I have always been a firm and unapologetic believer in the idea that America isn't just another Nation among many; that we are, indeed, exceptional. As I have said, I believe we have a duty as a superpower, without imperialistic aims, to help maintain an international order and balance of power that we and other allies have worked very hard to achieve over the years.

The President, on the other hand, has always been a very reluctant Commander in Chief. We saw that in the rhetoric of his famous Cairo speech and in speeches he gave in other foreign capitals in the early days of his administration. The tone, and the policies that followed, were meant to project a humbler, more withdrawn America. Frankly, I am hard pressed to see any good that came from any of that.

Any list would have to start with the arbitrary deadlines for military withdrawal and the triumphant declaration that Guantanamo would be closed within a year, without any plan of what to do with its detainees. There were the executive orders that ended the CIA's detention and interrogation programs.

We all saw the so-called "reset" with Russia and how the President's stated commitment to a world without nuclear weapons led him to hastily sign an arms treaty with Russia that did nothing to substantially reduce its nuclear stockpile or its tactical nuclear weapons. We saw the President announce a strategic pivot to the Asia-Pacific region, without any real plan to fund it, and an effort to end the capture, interrogation, and detention of terrorists, as well as the return of the old idea that terrorism should be treated as a law enforcement matter. After a decade-long counterinsurgency in Afghanistan, we have seen the President's failure to invest in the kind of strategic modernization that is needed to make this pivot to Asia meaningful. Specifically, his failure to make the kind of investments that are needed to maintain our dominance in the Asia-Pacific theater in the kind of naval, air, and Marine Corps forces that we will need in the years ahead could have tragic consequences down the road.

His domestic agenda has also obviously had serious implications for our global standing. While borrowing trillions and wasting taxpayer dollars here at home, the President has imposed a policy of austerity at the Pentagon that threatens to undermine our stabilizing presence around the globe. Of course, we have seen how eager the President is to declare an end to the war on terror. Unfortunately, the world hasn't cooperated. It hasn't cooperated with the President's vision or his hopes. Far from responding favorably to this gentler approach, it has become arguably more dangerous. We have learned the hard way that being nice to our enemies doesn't make them like us or clear a path to peace.

I understand the President ran for office on an antiwar platform, that his rise to political power was marked by his determination to get us out of Afghanistan and Iraq, and to declare an end to the war on terror. I know he would rather focus on his domestic agenda. But the ongoing threat from Al Qaeda and its affiliates and the turmoil unleashed by uprisings in north Africa and the broader Middle East, not to mention the rise of Chinese military power, make it clear to me, at least, that this is not the time for America to shrink from the world stage.

The world is a dangerous place. In the wake of the Arab spring, large parts of the Sinai, of Libya, of Syria, are now basically ungoverned. We have seen prison breaks in Iraq, Pakistan, Libya, and the release of hundreds of prisoners in Egypt. Terrorists have also escaped from prisons in Yemen, a

country that is no more ready to detain the terrorists at Guantanamo now than they were back in 2009. And the flow of foreign fighters into Syria suggests that the civil war there will last for years, regardless of whether Asad is still in power.

Yes, the President deserves praise for weakening Al Qaeda's senior leadership. But the threat we face from Al Qaeda affiliates is very real. These terrorists are adaptable. They are versatile, lethal, resilient, and they aren't going away. Pockets of these terrorists extend from north Africa to the Persian Gulf and it is time he faced up to it.

It is time to face up to something else as well: International order is not maintained by some global police force which only exists in a liberal fantasy. International order is maintained—its backbone is American military might, which brings me back to Syria.

For 2 years now Syria has been mired in a ferocious civil war with more than 100,000 killed with conventional arms. That is according to U.N. estimates. This tragic situation has prompted many to look to the United States for help. So 1 year ago President Obama made a declaration: If Asad used or started moving chemical weapons, he would do something about it.

Well, as we all know, on August 21 of this year, that redline was crossed. The President's delayed response was to call for a show of force for targeted, limited strikes against the regime. We have been told the purpose of these strikes is to deter and degrade Asad's regime's ability to use chemical weapons. So let's take a closer look at these aims.

First, no one disputes that the atrocities committed in Syria in recent weeks are unspeakable. No one disputes that those responsible for these crimes against the innocent should be held to account. We were absolutely right, of course, to condemn these crimes. But let's be very clear about something: These attacks, monstrous as they are, were not a direct attack against the United States or one of its treaty allies. And just so there is no confusion, let me assure everyone that if a weapon of mass destruction were used against the United States or one of our allies, Congress would react immediately with an authorization for the use of force in support of an overwhelming response. I would introduce the resolution myself. So no leader in North Korea or Iran or any other enemy of the United States should take any solace if the United States were not to respond to these attacks with an action against Syria. We will never—never—tolerate the use of chemical weapons against the United States or any of its treaty allies.

Second, in the course of administration hearings and briefings over the past several days, Secretary of State Kerry has revealed that Asad has used chemical weapons repeatedly—repeatedly—over the last year. So there is a

further question here about why the administration didn't respond on those occasions.

Third, Asad, as I have indicated, has killed tens of thousands of people with conventional weapons. Is there any reason to believe he won't continue if the President's strikes are as limited as we are told they would be?

Fourth, what if, in degrading Asad's control of those weapons, we make it easier for other extremist elements such as those associated with the al-Nusra Front and Al Qaeda to actually get hold of them themselves or what if, by weakening the Syrian military, we end up tilting the military balance toward a fractured opposition that is in no position to govern or control anything right now?

I think the Chairman of the Joint Chiefs of Staff, General Dempsey, put this particular best when he recently suggested in a letter to Congress that the issue here isn't about choosing between two sides in Syria, it is about choosing one among many sides; and that, in his estimation, even if we were to choose sides, the side we chose wouldn't be in a position to promote their own interests or ours. That is the Chairman of the Joint Chiefs.

Then there is the question of how Asad himself will react to U.S. action in Syria. If Asad views an air campaign as preparation for regime change, then he may lose all constraint in the use of his arsenal, chemical or otherwise, and lose any incentive whatsoever to move to the negotiating table. It is very clear that the unintended consequences of this strike could very well be a new cycle of escalation, which then drags us into a larger war that we are all seeking to avoid. Some have even suggested that the humanitarian crisis surrounding the Syrian civil war could actually be made worse as a result of even targeted U.S. strikes.

In the end, then, the President's proposal seems fundamentally flawed since, if it is too narrow, it may not deter Asad's further use of chemical weapons. But if it is too broad, it risks jeopardizing the security of these same stockpiles, potentially putting them into the hands of extremists.

That is why I think we are compelled in this case to apply a more traditional standard on whether to proceed with a use of force, one that asks a simple question: Does Asad's use of chemical weapons pose a threat to the vital national security interests of the United States? And the answer to that question is fairly obvious; even the President himself says it doesn't.

One could argue, as I have suggested, that there is an important national security concern at play, that we have a very strong interest in preserving the credibility of our Commander in Chief, regardless of the party in power, and in giving him the political support that reinforces that credibility. This is an issue I take very seriously. It is the main reason I have wanted to take my time in making a final decision. But,

ultimately, I have concluded that being credible on Syria requires presenting a credible response and having a credible strategy. For all of the reasons I have indicated, this proposal doesn't pass muster.

Indeed, if, through this limited strike, the President's credibility is not restored because Asad uses chemical weapons again, what then? And new targets aimed at toppling the regime which end up jeopardizing control of these same chemical weapons stash—allowing them to fall into the hands of Al Qaeda and others intent on using them against the United States or our allies. Where would the cycle of escalation end?

Last night we learned about a Russian diplomatic gambit to forestall U.S. military action through a proposal to secure and eventually destroy the Syrian chemical weapons stockpile. This morning there are initial reports that suggest Syria is supportive of them. Let me remind everyone that even if this is agreed to, it is a still a long way off to reaching an agreement at the United Nations, to Syria gaining entry to the chemical weapons convention, and to eventually securing and destroying the stockpile. As we have seen in my own State of Kentucky where we have been working for 30 years to finally destroy a stockpile of chemical weapons, destroying chemical weapons is extremely challenging and requires a great deal of attention to detail and safety. Nonetheless, this proposal is obviously worth exploring.

But, more broadly—and this is my larger point—this one punitive strike we are debating could not make up for the President's performance over the last 5 years. The only way—the only way—for him to achieve the credibility he seeks is by embracing the kind of serious, integrated, national security plan that matches strategy to resources, capabilities to commitments, and which shows our allies around the world that the United States is fully engaged and ready to act at a moment's notice in all the major areas of concern around the globe, whether it is the Mediterranean, the Persian Gulf, or in the South China Sea, and, just as importantly, that he is willing to invest in that strategy for the long term.

In Syria, a limited strike would not resolve the civil war there, nor will it remove Asad from power. There appears to be no broader strategy to train, advise, and assist a vetted opposition group on a meaningful scale, as we did during the Cold War. What is needed in Syria is what is needed almost everywhere else in the world from America right now: a clear strategy and a President determined to carry it out.

When it comes to Syria, our partners in the Middle East—countries such as Turkey, Jordan, Saudi Arabia, and Israel—all of them face real consequences from instability, refugee

flows, and the growth of terrorist networks. Responding to this crisis requires a regional strategy and leadership. What we have gotten instead is an administration that seems more interested in telling us what the mission is not—more interested in telling us what the mission is not—rather than what it is. We have gotten the same timid, reluctant leadership that I have seen from the President for nearly 5 years.

As I have said, this decision was not easy. When the President of the United States asks you to take a question like this seriously, you do so. Because just as our credibility in Syria is tied up with our credibility in places such as Iran and North Korea, so too is the credibility of the Commander in Chief tied up, to a large extent, with America's credibility in general. There is no doubt about that. So let me repeat: I will stand shoulder to shoulder with this President or any other in any case where our vital national security interests are threatened, our treaty allies are attacked, or we face an imminent threat.

As for Israel, very few people, if anyone, expect that Syria would test its readiness to respond on its own, which just goes to show you the importance of credibility on the world stage. As Prime Minister Netanyahu put it last week, the enemies of Israel have very good reason not to test its might. But the Prime Minister should know nonetheless that America stands with him.

I have never been an isolationist, and a vote against this resolution should not be confused by anyone as a turn in that direction. But just as the most committed isolationist could be convinced of the need for intervention under the right circumstances when confronted with a threat, so too do the internationalists among us believe that all interventions are not created equal. And this proposal just does not stand up.

So I will be voting against this resolution. A vital national security risk is clearly not at play, there are too many unanswered questions about our long-term strategy in Syria, including the fact that this proposal is utterly detached from a wider strategy to end the civil war there, and on the specific question of deterring the use of chemical weapons, the President's proposal appears to be based actually on a contradiction: either we will strike targets that threaten the stability of the regime—something the President says he does not intend to do—or we will execute a strike so narrow as to be a mere demonstration.

It is not enough, as General Dempsey has noted, to simply alter the balance of military power without carefully considering what is needed to preserve a functioning state after the fact. We cannot ignore the unintended consequences of our actions.

But we also cannot ignore our broader obligations in the world. I firmly believe the international system that was constructed on the ashes of World War

II rests upon the stability provided by the American military, and by our commitments to our allies. It is a necessary role that only we can continue to fulfill in the decades to come. And especially in times like this, the United States cannot afford to withdraw from the world stage. My record reflects that belief and that commitment regardless of which party has controlled the White House. We either choose to be dominant in the world or we resign ourselves and our allies to the mercy of our enemies. We either defend our freedoms and our civilization or it crumbles.

So as we shift our military focus to the Asia Pacific, we cannot ignore our commitments to the Middle East, to stability in the Persian Gulf, to an enduring presence in Afghanistan, to hunting down the terrorists who would threaten the United States and its people. And when the Commander in Chief sets his mind to action, the world should think he believes in it. When the Commander in Chief sets his mind to an action, the world should think he believes in it. Frankly, the President did not exactly inspire confidence when he distanced himself from his own redlines in Stockholm last week.

It is long past time the President drops the pose of the reluctant warrior and lead. You cannot build an effective foreign policy on the vilification of your predecessor alone. At some point, you have to take responsibility for your own actions and see the world the way it is, not the way you would like it to be.

If you wish to engage countries that have been hostile, so be it. But be a realist, know the limits of rhetoric, and prepare for the worst.

For too long this President has put his faith in the power of his own rhetoric to change the minds of America's enemies. For too long he has been more interested in showing the world that America is somehow different now than it has been in the past; it is humbler; it is not interested in meddling in the affairs of others or in shaping events.

But in his eagerness to turn the page, he has blinded himself to worrisome trends and developments from Tunisia to Damascus to Tehran and in countless places in between.

A year ago this month four Americans were senselessly murdered on sovereign U.S. territory in Benghazi. Last month the President ordered the closing of more than two dozen diplomatic posts stretching from west Africa to the Bay of Bengal. As I have indicated, and as the decision to close these embassies clearly shows, the terrorist threat continues to be real. Expressions of anti-Americanism are rampant throughout Africa and the Middle East, even more so perhaps than when the President first took office.

So the President's new approach has clearly come with a cost. And for the sake of our own security and that of our allies, it is time he recognized it. Because if America does not meet its

international commitments, who will? That is one question that those on the left who are comfortable with a weakened America cannot answer, because the answer is too frightening. No one will. That is the answer.

If this episode has shown us anything, it is that the time has come for the President to finally acknowledge that there is no substitute for American might. It is time for America to lead again, this time from the front. But we need strategic vision, in the Middle East and in many other places around the world, to do it.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, and with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

PRESIDENTIAL LEADERSHIP

Mr. DURBIN. Mr. President, I listened carefully to the statement made by the Republican Senate leader. He is a member of the loyal opposition and it is no surprise that he is critical of the policies of President Barack Obama. That is the nature of the debate, the American debate, which takes place on the floor of this Chamber on a regular basis. But in fairness to this President, there are some things that were not mentioned.

This President, under his leadership, has brought the war in Iraq to a close. This President is bringing the war in Afghanistan to a close. This President, with the best military minds and the best military talent in the world, has made Osama bin Laden a piece of history. He was captured and killed. The man who, sadly, led an attack on the United States that cost almost 3,000 innocent lives has been dispatched because of the leadership of this President and the wonderful abilities and talents and resources of the United States military.

So to stand here and criticize this President as some reluctant warrior is unfair. Yes, I would say in some instances I want a President to be a reluctant warrior, to think twice before America is engaged in a war, to think twice before this country commits its troops to a foreign theater. Certainly, as of this moment, having lost more than 5,000 brave Americans in Iraq and Afghanistan, we know the terrible price that is paid by the men and women who so bravely represent this country. And I would like every President to think twice before committing