

The distinguished Republican leader and I have had a number of conversations about judicial nominations, which, in the past, have been a real dustup. We are going to try to avoid that this year. We hope to have the first circuit court nomination approved before the Presidents Day recess and will continue to work on district court trial judges and circuit court judges as soon as we can.

I personally want the record to reflect that I appreciate the President not sending back four names that were really controversial, and I think it is better for the body that the President did not send up those names. I think we have to reciprocate in a way that is appropriate, and we are going to try to do that by looking at these nominations as quickly as we can. We are hopeful and somewhat confident the President will send us some good circuit court nominees.

Once we have disposed of the nominations, we will resume debate, postcloture, on H.R. 2, the minimum wage bill. A vote on this matter should occur this afternoon. I will discuss that with the Republican leader so that Members will have notice as to when that vote will occur.

After we complete action on the minimum wage bill, there will be an immediate cloture vote on the motion to proceed to S. Con. Res. 2, the bipartisan Iraq resolution. Last night, I asked consent that we vitiate that cloture vote. We are still working on that to see if we can work something out with the Republicans as to whether we have that vote. Most Democrats will vote against going forward on that since there is now another matter that will come before the Senate, at the latest on Monday. But we are working on that. I acknowledged last night, as did the Republican leader, that the final language of the new matter, which Senator LEVIN introduced last night, was just finalized at 8:30 p.m., 9 p.m. last night, so I understand why we can't get anything definitely from the minority leader at this time.

I would also say that we have now in the Senate a continuing resolution which passed the House by approximately 290 votes. We are ready to move forward on that. We have to complete that legislation by February 15, the Presidents Day recess, or the Federal Government is closed, and no one wants that to happen. So we are going to move forward on that. What we would like to do is move forward on it by unanimous consent. I understand that is not something that is going to happen, or at least at this stage, but at least we are ready to move forward as quickly as possible. The more quickly we dispose of that, the more time we can spend on Iraq, if, in fact, we want to spend more time on Iraq. At the least, next week is set aside so that we can debate Iraq. What we hope is that we can have a number of competing resolutions, whether it is two, three, four, whatever it is, and to get consent

that we would use these vehicles for debate.

#### MEASURES PLACED ON THE CALENDAR—H.J. RES. 20 AND S. 470

Mr. REID. Mr. President, before I turn this over to the Republican leader, there are two bills at the desk for a second reading, is my understanding.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will report the measures by title for the second time.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 20) making further continuing appropriations for the fiscal year 2007, and for other purposes.

A bill (S. 470) to express the sense of Congress on Iraq.

Mr. REID. Mr. President, I object to any further proceedings at this time with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Pursuant to rule XIV, the measures will be placed on the calendar.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### SENATOR JIM BUNNING

Mr. MCCONNELL. Mr. President, the majority leader mentioned the baseball career of my colleague from Kentucky, JIM BUNNING, and we are immensely proud of him in the Commonwealth of Kentucky, not only as a great U.S. Senator but also somebody who literally put our State on the map during his athletic career.

I might say to these young pages here, Senator BUNNING is not only a hall of famer in baseball, he is a hall of famer in life. He has 9 wonderful children, 35 grandchildren, maybe even some beyond that. So it is an extraordinary Kentucky family, and I wish to acknowledge with gratitude the observations the majority leader made of my colleague, Senator BUNNING.

#### NOMINATIONS AND IRAQ

Mr. MCCONNELL. Mr. President, I also wish to thank the majority leader for his remarks about circuit court judges. We all know the confirmation of circuit court judges became unnecessarily, it seems to me and I think seems to him, contentious at various times in recent years. I think we are off to a good start this year.

Each of the last three Presidents ended his term with the U.S. Senate in the hands of the opposition party. Each of these last three Presidents received an average of 17 circuit court judicial confirmations during those last 2 years even though the Senate was in the hands of the opposition party.

As Senator REID has indicated, the President has not forwarded several

nominations that were contentious in the last session, and I thank the majority leader for his indication that we will move forward with Randy Smith, who is the nominee for the Ninth Circuit, before the Lincoln recess. That is an indication of good faith on his part, which is greatly appreciated by me and others on our side.

With regard to Iraq, as the majority leader indicated, we continue to be in discussions about how to craft that debate. We certainly agree the debate will occur next week, and we are trying to reach a consent agreement that would allow us to have several different options that would reflect the sentiment of most Members of the Senate about the current situation in Iraq and the decision to go forward and try to quiet the capital city of Baghdad. So those discussions will continue throughout the day.

With that, Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 11:45 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Kentucky.

#### ROLE OF AMERICAN DIPLOMACY

Mr. BUNNING. Mr. President, I thank the majority leader and the minority leader for their nice words. They might disagree on certain issues, but I am glad they agree on one thing—that I finally made it to the U.S. Senate after spending 12 years in the House and did have a private and professional life prior to service here in the Federal Government. I thank both Senators.

As we prepare to discuss the war in Iraq, I would like to take a couple of minutes to discuss the issue of personal responsibility, civility, and the role of American diplomacy.

Since the founding of our great Nation, we have had a long and proud tradition of international diplomacy. Our diplomacy has taken many forms, whether it is through official state visits or through less formal channels, such as congressional delegations traveling to individual countries. What we all need to remember is that when we are on a trip to a foreign country, we act as American diplomats. This is something which I would like my colleagues to remember, especially when

they speak on American foreign policy in public international forums and settings. Most of our colleagues take this role seriously and act in a manner that is consistent with the advancements of our Nation's foreign policy. We should not use the international stage as an opportunity to denounce our own country by making irresponsible comments that endanger our foreign policy by sending the wrong messages to our enemies.

We currently face a critical turning point in our Nation's foreign policy.

As representatives of this Government, we need to be responsible with our remarks on foreign soil and to show some form of civility when airing our grievances about our President, our country's stand on diplomatic issues, and the war in Iraq.

While we do have our disagreements on how this country should proceed, I believe we need to iron out these problems at home rather than taking them to an international stage and using that opportunity to make politically offensive comments towards our country.

Saying our country is shameful at an international forum only hurts our standing among world leaders we are trying to negotiate with on important trade deals and other foreign policy issues such as preventing further international conflict.

We need to help build up America on the international stage, not shoot ourselves in the foot by tearing ourselves down with statements used for political gain.

Most Americans do not belong to the "Blame America First" crowd. Most Americans don't support bashing our country on the international stage. Most Americans agree that politics ends at the water's edge.

The "Blame America First" crowd spreads negative sentiment about the United States, and then wonders why the rest of the world has a low opinion of America. They are feeding the very beast they claim they are trying to tame.

Most Americans are proud of what this country stands for.

The United States is one of the largest contributors in economic aid to developing countries.

We continually work as a Nation to extend a helping hand to those in need.

Funding for bilateral and economic assistance has increased consecutively over the past 6 years, reaching unprecedented levels in the international community.

We have also taken the lead in the fight against the spread of HIV and AIDS.

We recognize that this pandemic is destroying lives, undermining economies, and threatening to destabilize entire regions.

The President's emergency plan for AIDS relief is the largest commitment ever made by any nation to combat HIV and AIDS.

The number of people benefiting from this program has grown from 50,000 to 800,000 in 3 years.

It is an extremely successful program and continues to grow in support every year.

We also continue to provide lifesaving drugs to fight malaria to those in need in Africa.

Through the President's malaria initiative we have been able to provide millions of lifesaving treatments in order to prevent the spread of this debilitating disease.

These international successes often go largely unnoticed and are overshadowed by the current debate on the war in Iraq.

I ask my colleagues to take a moment this week to reflect upon our foreign policy successes as well as our current challenges.

I believe that we can build upon our mistakes and learn from them.

We must work collectively on advancing our national interests instead of splintering off and playing into the hands of our enemies.

Some of the proposed resolutions on Iraq send a terrible message to both our troops and allies and only hurt our national interests.

Even more importantly, I believe they send a dangerous message to our enemies.

I do not support these kinds of non-binding resolutions that criticize our plans for Iraq and I plan to oppose them.

They are counterproductive and will not make our problems in Iraq go away now or in the near future.

I support working to find real solutions to the problem at hand, not politically motivated attempts that offer little or no alternative.

I will not participate in this empty political posturing.

My main focus is on providing moral and material support for our troops.

We must not forget our commitment to our troops and in turn the commitment they made to our country and the mission in Iraq.

I believe they deserve our full support, not criticism and idle threats to cut their funding.

Like many of my colleagues, I was initially skeptical of sending additional reinforcement troops to Iraq, but I believe that we must give the President's new strategy a chance to succeed.

Abruptly cutting and running is not a viable option.

This would only further hinder our efforts in the war on terror and endanger our regional allies in the Middle East.

I will support our commander and chief in his new way forward in Iraq and will support General Petraeus, our new commander of the multinational forces in Iraq, in his efforts to carry out this plan.

I believe that General Petraeus is a key component in this new strategy.

He is a friend.

He has spent many years of his fine career stationed at Fort Campbell, KY.

I have the utmost respect for him and confidence in his leadership skills and judgment.

His service in Iraq has equipped him with an expertise in irregular warfare and operations and a true understanding of the enemy we face.

In his 27 months in Iraq, he led a division into battle, oversaw the reconstruction and governance of Iraq's third-largest city, and built up from virtually nothing Iraq's army and police force.

He managed to do this all by earning the respect of the Iraqis—all Iraqis—the Kurds, Sunnis and the Shias.

General Petraeus and I talked, just the two of us, for nearly an hour in my office this week.

I asked tough questions. And he responded with realistic answers about what it takes for us to succeed in Iraq.

He knows that Iraqis have to live up to their end of the bargain.

Now we must show General Petraeus that we will live up to our end of the bargain and give him the opportunity to carry out his mission.

Some of our colleagues support General Petraeus but do not support his mission.

Many of our colleagues that unanimously voted to give General Petraeus his fourth star last week will likely vote in favor of proposed resolutions that question the very mission that General Petraeus testified in support of before the Senate Armed Services Committee.

This does not make sense to me. Right now we cannot afford to distinguish between the two.

I am not asking my colleagues for an open-ended commitment, just a little more patience—patience to see if this new strategy works, patience to see if Iraqis will hold up their end of the bargain and meet the benchmarks set by both our countries, and finally, patience to allow our troops to complete their mission.

Our troops are committed to their mission. Now we owe them our commitment.

This is our last best hope for progress in Iraq.

In his confirmation hearing with the Senate Armed Services Committee, General Petraeus offered to provide Congress with regular reports on the progress of his mission and on the performance and cooperation of Iraqis.

I plan on taking him up on this offer.

We must keep up to date on the situation in Iraq as it changes so that we can best help our new commander address the situation at hand.

I wish General Petraeus the best of luck in this mission.

It is a daunting task but I have faith in him and his leadership capabilities.

I ask my colleagues for their support.

We must show a united front and give this plan a chance to succeed.

The cost of failure is too great. We cannot afford failure in Iraq and the international community cannot either, so I ask my colleagues to reflect on these serious issues before we begin debating the resolutions concerning the war in Iraq next week.

Let us show both our allies and our enemies that we can be united behind our Nation's foreign policy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, first let me compliment my colleague, Senator BUNNING, for a fine statement. I endorse his call for unity. In a time of war, a country needs to be unified, especially when we send our young men and women into harm's way. They need to know we support the mission that we put them in harm's way to try to achieve.

I remember years ago I used to see bumper stickers that said, "Give peace a chance." Today we need to dust off some of those bumper stickers, write a couple of extra words in, and give the President's plan for peace a chance. We are going to have a debate next week among those who believe the President's plan deserves a chance to succeed and those who disagree. I believe the latter position is dangerous, and it would be dangerous to express that point of view with a vote of the Senate in support of a resolution to that effect, especially since it appears people whom we have relied on in the past for advice are also now saying give the President's plan a chance and because events on the ground are beginning to suggest that his plan is already beginning to work.

There has been a great deal of discussion about the Baker-Hamilton report. Critics of the President's plan have frequently held that report up as evidence that we need to take a different course of action. But yesterday, appearing before the Senate Foreign Relations Committee, former Secretary of State James Baker and former Member of the House of Representatives Lee Hamilton both argued that the President's plan should be given a chance to succeed.

Maybe that surprised the chairman, but here is what they testified. Representative Hamilton:

So I guess my bottom line on the surge is, look, the President's plan ought to be given a chance. Give it a chance, because we heard all of this. The general that you confirmed 80-to-nothing the day before yesterday, this is his idea. He's the supporter of it. Give it a chance.

That is Lee Hamilton.

Former Senator and Secretary of State Baker said:

... the study group set no timetables and we set no deadlines. We believe that military commanders must have the flexibility to respond to events on the ground.

And he said, in response to a Senator:

Senator, one of the purposes of the surge, as I'm sure you have heard from General Petraeus, when you confirmed him, is to give the Iraqi government a little more running room in order to help it achieve national reconciliation by tamping down the violence or pacifying, if you will, Baghdad.

That is the purpose of this strategy. As I said, there is already evidence, even though the strategy has certainly not been implemented in full, that even the prospect of its implementa-

tion is beginning to have an effect. It is clear the Iraqi Government, in its pronouncements, has already begun to sound a lot different to these terrorists than they did in the past, when the Iraqi Government didn't always back up the U.S. efforts. When we would go into an area, we would capture these killers, and a couple of days later they would be back on the street because somebody with political influence in Iraq would see that it happened.

The idea is the Iraqis are now going to take charge and not allow that to happen. And in addition to U.S. troops, there will be twice as many new Iraqi troops helping to make sure it does not happen. Here are a few excerpts from the news media.

From the Washington Post, February 1, 2007:

Shiite militia leaders already appear to be leaving their strongholds in Baghdad in anticipation of the U.S. and Iraqi plan to increase the troop presence in the Iraqi capital, according to the top U.S. commander in the country.

He said:

We have seen numerous indications Shia militia leaders will leave, or already have left. Sadr City to avoid capture by Iraqi and coalition security forces," Army Gen. George W. Casey Jr. said in a written statement submitted to the Senate Armed Services Committee as part of his confirmation hearing today to be the Army chief of staff.

Already beginning to work. The article continues:

Radical Shiite cleric Moqtada Sadr has ordered his militia not to confront U.S. forces and has endorsed negotiations aimed at easing the deployment of American troops in his strongholds, according to Sadrists and other Shiite officials. This is the idea. In Anbar Province, where the pressure from al-Qaida has been very strong, there is now news that the sheiks in Anbar Province are beginning to work with us. Just one report from the Washington Post of January 27:

With the help of a confederation of about 50 Sunni Muslim tribal sheiks, the U.S. military recruited more than 800 police officers in December and is on track to do the same this month. Officers credit the sheiks' cooperation for the diminishing violence in Ramadi, the capital of Anbar province.

We have just mounted a big offensive with the Iraqi military in Najaf, and I quote from a Washington Post story of January 29:

Iraqi soldiers, backed by U.S. helicopters, stormed an encampment of hundreds of insurgents hiding among date palm orchards in southern Iraq in an operation Sunday and set off fierce, day-long gun battles during the holiest week for the country's Shiite Muslims. Iraqi security officials said that the troops killed scores of insurgents while foiling a plot to annihilate the Shiite religious leadership in the revered city of Najaf.

There is also political movement in the country. Let me quote from a story from the Los Angeles Times of February 1:

Sunni and Shiite Arab lawmakers announced plans Wednesday to form two new blocs in Iraq's parliament they hope will break away from the ethnic and religious mold of current alliances and ease sectarian strife.

There has also been a lot of talk about whether the mission of our

forces should be one of which is to help secure the borders. This is something else that the Iraqis have pledged that they need to do, particularly in their relationships with Syria and Iran. Quoting from the same Los Angeles Times story:

Iraq indefinitely halted all flights to and from Syria and closed a border crossing with Iran as the government prepares for a security crackdown, a parliament member and an airport official said Wednesday, the Associated Press reported. The airport official said that flights to and from Syria would be cancelled for at least two weeks and that service had been interrupted on Tuesday. Hassan al-Sunneid, a member of the parliament's defense and security committee, told the AP that "the move was in preparation for the security plan. The State will decide when the flights will resume."

So it is already beginning. No resolution passed here in the Senate is going to stop this new strategy. It appears to already be having some success. My only concern is the disagreement of some of our colleagues that it can't succeed will become a self-fulfilling prophecy, merely because it could embolden our enemies and cause our allies to wonder whether we still have the will to continue until we have achieved our mission in Iraq. But perhaps the message I am most concerned about that these resolutions would send is not only to the enemy and to our allies, but to our own troops and to their families.

There has been quite a bit of discussion of a news report on the NBC Nightly News last Friday, Brian Williams reporting, who specifically called upon Richard Engel, who was in Iraq, to report on what he had found there. I will work through his report, but here is what Engel said:

It's not just the new mission the soldiers are adjusting to. They have something else on their minds: The growing debate at home about the war. Troops here say they are increasingly frustrated by American criticism of the war. Many take it personally, believing it is also criticism of what they have been fighting for. Twenty-one year-old SP Tyler Johnson is on his first tour in Iraq. He thinks skeptics should come over and see what it is like firsthand before criticizing.

Here is what SP Tyler Johnson then said on the TV news.

Those people are dying. You know what I'm saying? You may support—"Oh, we support the troops," but you're not supporting what they do, what they share and sweat for, what they believe for, and what we die for. It just don't make sense to me.

Richard Engel then said:

Staff SGT Manuel Sahagun has served in Afghanistan and is now on his second tour in Iraq. He says people back home can't have it both ways.

And now Staff SGT Manuel Sahagun is on the camera and says:

One thing I don't like is when people back home say they support the troops, but they don't support the war. If they're going to support us, support us all the way.

And then Engel says:

SP Peter Manna thinks people have forgotten the toll the war has taken.

And SP Peter Manna says:

If they don't think what we are doing is a good job, everything that we have done here is all in vain.

Engel concludes:

Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

We cannot send that message to our troops and to their families, that we disagree with the mission we are putting them in harm's way to try to achieve. As these three young men, our finest, have said, speaking to the American people: You can't say you support the troops if you don't support what we are trying to do here, what we might die trying to accomplish.

That is why we have to be careful about resolutions in the Senate. Every Senator has an immense capability of expressing his or her point of view. We have all done that. We all continue to do it. We can get before the cameras any time we want to. We can let our folks back home know what we feel. And I dare say there are probably 100 different opinions in this body of 100 people. We all have a little different view of it. And we can tell our constituents what we think.

We certainly can communicate that to the President and people in the military. What we don't have to do is to go the next step and pass a resolution that first of all is nonbinding and has no effect on the implementation of the strategy, which is already beginning and will go forward, but can have a very detrimental effect on our enemies, on our allies, and on our own troops.

When General Petraeus was here testifying before his confirmation, he was asked a question about the resolutions to the effect of would it be helpful, and he said: No, it would not be helpful. Then he went on to talk about the object of war being to break the will of the enemy. He said: This would not help us—it would hurt us—break the will of the enemy, especially in a war like the one we are fighting with terrorists around the globe today—a war of wills.

It is important for us not to send the signal that our will is flagging, that there is great disagreement in our country about the desire to continue. In this war of wills, we should be unified and in support of the mission we are sending our troops to try to accomplish, and in support of the general whom we have confirmed to carry out that mission.

So I hope my colleagues will think very carefully about the words they speak, the actions they take, and reflect on what others will think of what we do here in this body. We are not simply speaking to the President, trying to send him a message. Everyone else in the world will get that message. And as much as we might manipulate the words in a resolution to try to bring 60 Senators all in consensus to what the resolution says, we all know what the headlines the next morning are going to say all around the world if

a resolution like this were to pass: "Senate Declares No Confidence in President's Strategy." "U.S. Senate Goes on Record as Opposing Bush Plan." You can write the headline. Those are the words that will resonate around the world.

Let's not make any criticism of the President or his plan become a self-fulfilling prophecy. Let's be as united as we can in supporting our troops by supporting the mission we are sending them on, hoping it will succeed; if we want, expressing concerns we have about that, but doing so in a way that doesn't undercut the message. We can do both of these things in this great open society. People expect us to have debate about important issues such as matters of war and peace, and we can do that without undercutting the mission here.

I go back to where I started in quoting former Representative Lee Hamilton, cochairman of the Hamilton-Baker commission in his testimony yesterday here in the Senate:

So I guess my bottom line on the surge is, look, the President's plan ought to be given a chance. Give it a chance, because we have heard all of this. The general that you confirmed 80 to nothing the day before yesterday, this is his idea. He's the supporter of it. Give it a chance.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IRAQ

Mr. BIDEN. Mr. President, I would like to make a few brief comments this morning on the Warner resolution and the negotiations that went on yesterday, led by Senator LEVIN, to deal with Iraq.

Three weeks ago before the Senate Foreign Relations Committee, Secretary Rice presented the President's plan for Iraq. The Presiding Officer, among others, was there. Its main feature was to send more American troops into Baghdad, in the middle of a sectarian war, in the middle of a city of over 6 million people.

The reaction to the Senate Foreign Relations Committee from Republicans and Democrats alike ranged from profound skepticism to outright opposition. That pretty much reflected the reaction across the country.

Consequently, Senators HAGEL, LEVIN, SNOWE, and I wrote a resolution to give Senators a way to vote their voices, vote what they had said. We believe, the four of us, and I know the Presiding Officer does, as well, that the quickest, most effective way to get the President to change his course is to

demonstrate to him that his policy has little or no support in this Senate, in our committee, or, quite frankly, across the country.

After we introduced our resolution, Senator WARNER came forward with his resolution. The bottom line of the resolution is essentially the same, and it was: Don't send more American troops into the middle of a civil war.

There was one critical difference between the Biden-Levin and the Warner amendment. Senator WARNER's resolution, in one paragraph, left open, I think unintentionally, the possibility of increasing the overall number of American troops in Iraq—just not in Baghdad. So from our perspective it wasn't enough to say don't go into Baghdad with more troops; we wanted to say don't raise the number of troops, as well.

The provision in the Warner amendment that allowed for that, if read by the President the way he would want to read it, I believe, would have allowed an increase in troops. We believe very strongly—Senator LEVIN, myself, HAGEL, SNOWE—that would send the wrong message. We ought to be drawing down in Iraq, not ramping up. We ought to be redeploying, not deploying into Baghdad. We should make it clear to the Iraqi leaders that they have to begin to make the hard compromises necessary for a political solution.

A political solution everyone virtually agrees on is the precondition for anything positive happening in Iraq. Now, I make it clear, I and everyone else in this Senate knows that it is not an easy thing for the Iraqi leadership to do, but it is absolutely essential.

So we approached Senator WARNER several times to try to work out the difference between the Biden and the Warner resolutions. I am very pleased that last night, through the leadership of Senator WARNER and Senator LEVIN, we succeeded in doing just that. The language Senator WARNER removed from his resolution removed the possibility that it can be read as calling for more troops in Iraq.

With that change, I am very pleased to join Senator LEVIN, now known as the Levin-Warner resolution, as a co-sponsor of that resolution. For my intent, at the outset when I first spoke out about the President's planned surge of American forces in Iraq, when I spoke out before the new year, I made it clear that my purpose was to build bipartisan opposition to his plan because that was the best way to get him to reconsider. That is exactly what this compromise does.

Now we have a real opportunity for the Senate to speak clearly. Every Senator will have a chance to vote on whether he or she supports or disagrees with the President's plan to send more troops into the middle of a civil war. If the President does not listen to the majority of the Congress—and I expect the majority of Congress will vote for our resolution—if he does not respond to a majority of the Congress and a