Madam President, this bill is moving along very fast, and

I compliment the majority and minority leaders for allowing the process

to move forward in a quick fashion, because we understand the outcome.

The bill most likely will pass in its current form, maybe with some

changes, but at the end of the day, it will be vetoed.

I was listening earlier in the day to Senators Hagel and Webb discuss

an amendment they had proposed. I am not sure whether it is germane,

but the two Senators, who do deserve the respect of everyone in this

body because they have been in combat, they have been in harm's way,

had an amendment talking about force structure, how you would change

the rotations, and the concerns this war has placed on the military.

Well, those concerns are real, and I understand what they are trying to

achieve there.

The reason I wanted to speak before we went to final passage is I

know why the veto is coming. There are two components to this bill that

the President should veto the bill over: No. 1, the restrictions we are

placing on our military, and the deadlines and the timelines and the

benchmarks all add up to making it impossible for the new

strategy of General Petraeus to be successful, if it became law. This

is a constitutional encroachment upon the power of the Commander in

Chief which I believe is unprecedented. There is an honorable path for

Congress to take; that is, just stop funding a war that you think is

lost. But the combination of deadlines, benchmarks, timelines, and

micromanaging troop rotations all adds up to Congress really taking

over wartime activity in a way that was never envisioned before. I

don't think any other commander is going to have to go through what

General Petraeus would have to go through if we did pass this bill and

it were not vetoed.

I have been a military lawyer for 20-some years. The combat folks in

here have been in harm's way. As a military lawyer, I have had some

clients who wanted to kill me, but that is about it. So my hat is off

to the warfighters. I have been in a support role, and there are

thousands of doctors and nurses and lawyers and other support personnel

serving in Iraq, and they are very much needed. There is no front line

in Iraq or Afghanistan, so my hat is off to all of them. But the

warfighter's point of view is what we need to be thinking about.

From the commander's point of view, General Petraeus has been

assigned to a mission. He has come up with a new doctrine. Even the

worst critic cannot say it is not something new. It is clearly

something new. Whether it works I can't promise, but I think it has a

good chance and there are early signs of success. It is making up for

past mistakes.

The President is going to veto this bill because Congress has come up

with a constitutional construct that, if allowed to exist, I believe

would create dangers for future Commanders in Chief and future wars

that are just unnecessary. I know the political moment for Iraq is not

popular. I know people are frustrated and upset and we have made tons

of mistakes, but the biggest mistake would be to throw the

constitutional balance we have enjoyed for 200 years out of kilter and

try to take over this war in a way we are not built to take over as a

Congress.

There is a way to cut off this funding. We just haven't chosen to go

down that road, and I don't know why. If you think it is lost, then

that is the road to go down.

The second part of the bill that has met with objection is the number

of projects unrelated to the war--for lack of a better word, porkbarrel

spending. And it may not be porkbarrel spending. Some of these projects

are probably very worthy. I just don't believe this is the way to fund

them.

The emergency supplemental appropriations process for the war is

needed, but we shouldn't have an emergency appropriation. This war has

been going on for 4 years, so hopefully next year we will not find

ourselves in this spot. If we do not get the funds over to our

commanders and into the DOD pipeline, then readiness is hurt, the

ability to prosecute the war is compromised beginning April 15, and

every month thereafter, it gets more difficult.

So the President is going to veto the bill for two sound reasons. The

construct Congress has created is taking the Congress in an area we

have never gone before that I believe would be devastating to future

wars. It would undermine General Petraeus' ability to be successful in

his mission. The spending practices this bill embraces is what has put

Congress in such low standing with the American public.

Republicans lost for a reason. We didn't treat the process in a

respectful way. Our Democratic friends, with some Republican help, are

making the problem worse when it comes to fiscal matters. So I do hope

that once the veto is rendered we can find a way to get the money to

the troops who are desperately in need of it over time, and we can find

a way to come together and give General Petraeus a decent opportunity

to turn Iraq around.

I end on this note. What drives my thinking and what makes me

disagree with Senator Webb and Senator Hagel--people who have

experienced combat--is that I believe the outcome in Iraq is part of

the overall war on terror. If we lose in Iraq--and I think this bill

would ensure a loss if it ever became law--the ripple effect is

catastrophic; the war gets bigger, not smaller. A failed state in Iraq

is a huge loss in the war on terror. It compromises our national

security for decades.

That is the way I see it, and I will take every vote in this body

viewing Iraq as a central battlefront in the war on terror, one we

cannot afford to lose.

I yield the floor.