

key point in the balance of power between each of the bodies of Government that are so important to our Constitution. It does not give a President unilateral authority, but it forces the light of day on a Presidential decision for us to take a second look at what was probably a mistake that this body might have made.

Lastly, I have had some experience with this process. I had the privilege of representing the great State of Georgia for 17 years in its statehouse, in its State senate. At the time I was in the minority, and the Democratic Party in Georgia was in the majority. A dear friend of mine, a fellow against whom I ran for Governor of Georgia in 1990, and who came to this Senate, Zell Miller, and whom I later replaced in this Senate, a great Georgian—I watched him use the line-item veto, which is legal in Georgia, to cause accountability on the part of legislators, to let the light of day shine on appropriations and, most importantly, to see to it that Georgia was run in a fiscally sound way and we didn't get away with things that we should not have gotten away with.

If it is good enough for the States, it is good enough for the Federal Government. If it passes the constitutional test of the division of power in our Government—legislative, executive, judicial—it ought to be a part of the body of law, and this proposal does.

Most important of all, although all the promotion pieces I have read call this a second look at the budget process, in many cases because of the volume it gives us, as individuals, a first look at a mistake we made. Instead of current law, where once that mistake is made it is there, under this right of rescission we have a second chance at what was a first impression, and we can make the right decision and do the right thing.

The money, when it is struck, goes where it ought to go—to deficit reduction. This country has a serious deficit problem, and it has had a serious spending problem. Enhanced rescission places the responsibility on the President to delineate a mistake and forces us to affirm if that, in fact, was a mistake, and the benefit from that savings goes to reduce the deficit, which is the mortgage on our children's future and the future of our grandchildren.

I am delighted to come to the floor today as a cosponsor of the enhanced rescissions amendment proposed by Senator GREGG to speak in its favor, and I encourage every Member of the Senate to take a second look at this proposal.

It makes sense. It is constitutional. It is the right thing to do.

I yield the floor.

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. DURBIN. 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. DURBIN. Mr. President, there is one moment each year when America comes together, when the leader of our country, our President, in his State of the Union Address, speaks of our experience in the past, our history, and his vision of our Nation's future. It is a rare moment on Capitol Hill, House and Senate together on a bipartisan basis, the Supreme Court, the Cabinet, the diplomatic corps. It is quite a festive and historic—sometimes solemn—gathering. Tonight will be an opportunity for us to gather again for the State of the Union Address. I am looking forward to it.

It comes at a moment in American history when there is a strong emotion across this country, a strong feeling about the war in Iraq. It is a feeling that was made even more intense by the events of this last weekend where we lost so many of our brave soldiers: a helicopter crash from the sky, lives were taken on the ground. At the end of the day, we had lost 3,059 of our best and bravest soldiers, marines, airmen, and sailors in this war in Iraq.

The President will speak of many things this evening. That is his responsibility—from energy to health care to education and beyond. But the issue most dominant in the minds of America is the issue of Iraq. It was certainly the most dominant issue in the November election when the message came through loudly and clearly that it was time to change, it was time for America to step back and reassess our role in Iraq and where we go from here.

Since that election, many important things have happened. The Secretary of Defense, Donald Rumsfeld, resigned, replaced by Robert Gates. The military leadership in Iraq was changed and the President came forward, after a time of deliberation, with his own proposal. That proposal, which we heard a little over a week ago, called for adding more troops in the theater of war in Iraq, some 21,000 more Americans, to join the 144,000 soldiers who are there today.

Most of us have spoken publicly about that in disagreement with the President: our belief that the escalation of the number of troops in Iraq is the wrong way, the wrong direction for our Nation; our belief that 21,000 soldiers cannot stop the civil war that has 14 centuries of fighting behind it; and our belief that 21,000 American lives are too many to ever lose in this kind of dangerous situation.

The President, undoubtedly, will speak to Iraq this evening and the American people will listen closely. But that is not the end of the conversation. The conversation will continue in the Senate where men and women representing States, as I have the honor to do in representing Illinois, will engage

for the first meaningful debate on the war in Iraq in more than 4 years since we passed the use-of-force resolution.

Circumstances have changed dramatically. Reading the resolution today, one would wonder if it even justifies our current presence because it spoke of removing Saddam Hussein, dealing with weapons of mass destruction, stopping the march of nuclear weapons into Iraq. We now know all of those things were either wrong in that original resolution or have become moot by the events that have transpired.

There is an effort underway to make sure this debate on Iraq represents the bipartisan feeling of America, represents the fact that there are Democrats and Republicans and Independents who feel intensely that the current strategy, the current plan the President is pursuing is not the right plan.

The first resolution will be considered by the Foreign Relations Committee this week and is sponsored by Senators BIDEN and LEVIN on the Democratic side and Senator HAGEL on the Republican side.

Yesterday, there was another resolution brought to the attention of the American people, introduced by three Members I respect. Senator JOHN WARNER, former chairman of the Committee on Armed Services, a Republican Senator from Virginia, the lead sponsor, Senator BEN NELSON, a Democrat from Nebraska, and Senator SUSAN COLLINS, a Republican from Maine, are about to introduce a resolution that clearly expresses the sense of Congress about this strategy in Iraq. Much has been written about it. The resolution should speak for itself because these Senators, two Republicans and a Democrat, resolve:

That it is the sense of Congress that—

(1) the Senate disagrees with the "plan" to augment our forces by 21,500, and urges the President instead to consider all options and alternatives for achieving the strategic goals set forth below with reduced force levels than proposed.

The important thing about these resolutions, though they are different in wording, is they all reach the same conclusion. The conclusion is the President's policy, the escalation or augmentation, virtually the same word, is the wrong way to move in Iraq today.

I hope at the end of the day we can come together on a bipartisan basis, that we can cooperate in finding ways to blend these resolutions so we do speak as much as possible with a common bipartisan voice in the Senate. We need to call for the kind of change in the President's policy that the American people asked for in this election.

Our call is not based on politics but based on reality—the reality of the deaths which American troops have endured in this conflict and the reality of the war on the ground, a war which becomes more serious and more violent by the day.

We know the military experts have disagreed with the White House for a long time. GEN Eric Shinseki in 2003, as Army Chief of Staff, said we would need many more troops than the administration was prepared to send and more allies to secure peace ultimately in Iraq. Not only did the administration ignore General Shinseki's advice, they invited him to leave. We now know he was the one who had the insight they should have followed.

General Abizaid, the commander of all our forces in Iraq and Afghanistan, has told us that every divisional and corps commander in the theater has told him we should not send more troops. That is what the President has chosen to do despite this advice from his top generals. General Abizaid testified before Congress that he is convinced that:

... more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

General Abizaid and others have also repeatedly stated that the solution to the violence in Iraq is not military, it is political. We have to turn to Prime Minister Maliki and his Cabinet to make the political decisions which will make the difference.

General Abizaid is not alone. The Iraqis themselves appear to agree with his conclusion. Iraqi Prime Minister Nuri al-Maliki stated on November 27 last year:

The crisis is political, and the ones who can stop the cycle of aggravation and blood-letting of innocents are the politicians.

The Iraqi Prime Minister has said what he needs most is weapons and equipment, not American soldiers. When Prime Minister Maliki met with President Bush in Jordan in November, he didn't ask for more American troops; rather, he said he needed support by way of equipment and weapons. In fact, Prime Minister Maliki suggested we should reduce the presence of American troops in his country. The President has done just the opposite.

A United States official was quoted as saying that "The message in Amman was that Maliki wanted to take the lead and put an Iraqi face on it. He wanted to control his own forces."

The answer to all of Iraq's problems is not simply to deliver more American soldiers. But American weaponry and equipment can be helpful. President Bush has disagreed. Although he steadfastly said as the Iraqis stand up, our forces will stand down, exactly the opposite has occurred. As the Prime Minister of Iraq has offered to stand up more forces to defend his own country, the President of the United States has said we are going to send 21,000 more of our best and bravest into the face of danger.

Our troops have fought brilliantly and courageously. Over the weekend, Senator JOHN MCCAIN, a man whom I respect and count as a friend, made a statement on one of the talk shows, I believe it was "Meet the Press," that

he felt the resolutions we were debating were a vote of confidence on whether we trusted America's troops to get the job done. As much as I respect Senator MCCAIN, I could not disagree more. This vote is not about our faith in our troops. Trust me, if a vote came to the Senate on our commitment and respect for our American military service men and women, it would be 100 to 0. We all stand in awe and admiration of the contributions they have made to our country and the courage they show every day. We have confidence that given an assignment that can be physically accomplished, they will do it better than any military force in the world.

But the debate is not over our troops. The debate is over the President's policy. Those troops didn't write the policy that sent too few troops to Iraq initially. Those soldiers didn't write the requisitions to send humvees that have become, sadly, opportunities for roadside bombs to maim and kill our soldiers. Those troops didn't make the critical decisions about disbanding the Iraqi Army. They didn't make the political decisions along the way. They did their duty. And they continue to do so.

What we are debating here is the policy decisions being made by this administration, and a larger number of Democratic and Republican Senators are speaking out that these decisions have been wrong and that the President's plans continue to make the wrong decision.

The Iraq Study Group was a bipartisan effort to try to find a way through this, to come out with a plan that will work so we can truly bring our troops home successfully. They talked about the fact that adding more troops would not be a good move. In fact, bringing troops home should be our goal. They established the date of April 1, 2008, for most of those troops to be gone. And they called for something that this administration continues to ignore: They called for a surge in diplomacy—not a surge in the military but a surge in diplomacy.

Baker and Hamilton, a Republican and a Democrat, with credentials of real experience at the highest levels of our Government, said it is time for us to open a dialog with the Syrians and with the Iranians about the stability of the Middle East and to try to find common ground. There are no guarantees of success with diplomatic dialog, but there is a guarantee that if you don't try, you won't succeed.

Sadly, this administration has refused to try at the diplomatic level. Their responses continue to be military when we know time and again the solution is political within Iraq and diplomatic outside Iraq.

The Baker-Hamilton study group issued its report. It was received cordially by the White House and then ignored. Many Members believe we should return to it, begin the redeployment of American forces, start them

coming home, as Prime Minister al-Maliki has asked, start moving the Iraqis into a position of more responsibility and leadership, call on the al-Maliki government in Iraq to make the political concessions to try to bring an end to the sectarian strife, the civil war that has caused all this violence and continues to on a day-to-day basis.

There is one thing we should stop and assess as well. That is the real cost of this war. I have come to the floor of the Senate many times and talked about \$2 billion a week that is not being spent in America, \$2 billion being spent on this war. I voted for the money to support our troops, and I will continue to, but we have to be honest about the costs of the war. Our Defense bill for the coming year, according to the Wall Street Journal last week, may top \$600 billion. That figure does not include the extra \$100 billion in emergency appropriations that Congress will soon be asked to vote on to sustain current operations in Iraq and Afghanistan.

The costs of the war in Iraq have been extraordinary, whether measured in dollars or human lives. I went through a long list last week of what we could have done in America with \$400 billion, the \$400 billion we have spent in Iraq, what we could have done by way of extending the opportunity for health care and health insurance to millions of Americans currently uninsured, offering to pay for college education for students coming out of high school who are accepted at the best colleges. All of these things could have been done and weren't done because, instead, we have invested the money in this war.

The administration's view is, we will continue with no end in sight to spend these dollars at great expense to America and lost opportunities to our people. An open-ended commitment, as this administration has suggested, means these costs are also open-ended. It is time to break this cycle, to address our real security needs in America, to implement the 9/11 recommendations at some expense but, really, to protect our people from any future possible terrorist attack. The bipartisan resolution that will come before the Senate in the coming days states that our goal in Iraq should be to maximize our chances of success. An open-ended commitment of U.S. forces in Iraq reduces these chances rather than increasing them. Here in the safety and comfort of Washington, we owe to it our troops not to forget that today they stand in danger risking their lives.

Soon we will vote on whether we support the escalation of the war that the President has called on. Let no one confuse that issue with the question of whether we support our troops, whether we have confidence in our troops.

Let me make something else clear: The resolution we are debating is not a vote of confidence on the President,

nor on the troops. It is about a policy. It is a deliberation about a policy and a strategic decision. That is why we are here. That is why we were elected. We cannot shy away from that responsibility. We all support our men and women in uniform. But like a majority of Americans, we also support the changes in policy that will lead to the redeployment of U.S. forces, ultimately bringing them home to safety.

That is the change that was called for in the last election. That is the new direction that is needed at this point in our history.

I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Ms. SNOWE. 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.

Ms. SNOWE. Mr. President, I ask unanimous consent to proceed as in morning business.

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

#### COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES

Ms. SNOWE. Mr. President, I wish to take this opportunity to discuss an amendment that is pending before the Senate, which was offered by the ranking member of the committee, Senator ENZI, which I have introduced along with Senators ENZI and LANDRIEU. It is a bipartisan amendment to enhance compliance assistance for small businesses. Before I address the amendment, I wish to make a few comments about the minimum wage package we are currently considering on the floor.

I thank the leadership on both sides of the political aisle for working together to develop a bipartisan consensus to raise the minimum wage. From the outset, Senator REID and Senator MCCONNELL set a bipartisan tone in forging a path to increasing the minimum wage. I also thank Chairman KENNEDY and the ranking member, Senator ENZI, for working together to develop this bipartisan legislation as well. I think this is a very encouraging beginning to the 110th Congress and hopefully a time we can reach across partisan divides to enact meaningful legislation.

I also commend Chairman BAUCUS of the Finance Committee, along with Senator GRASSLEY, for working to draft the small business tax package that is also incorporated in the minimum wage bill. It was especially refreshing to see both Chairman BAUCUS and Ranking Member Grassley working so closely together to forge a compromise that addresses concerns on both sides of the aisle.

By enacting the minimum wage, we will accomplish a legislative win-win

by increasing the minimum wage but also at the same time providing small businesses with significant tax and regulatory relief in a way that does not add to our Nation's deficit. That is a great example of the social and fiscal responsibility we must embrace.

Small business tax and regulatory relief and increasing the minimum wage do not have to be mutually exclusive. I believe it is time to raise the minimum wage. It is certainly long overdue, since the last time the minimum wage was raised was back in 1997. Given the significant increases in the cost of living since then, most notably the rise in prices in housing, energy, and health care, families need to support themselves, and they certainly cannot do it on less than \$11,000 annually.

I am deeply concerned as well about the widening wage gap in America, which is creating a burgeoning economic divide when it comes to income. As the chart behind me shows—and I think it is very important because hopefully one of the priorities in this Congress will be to explore policies that will narrow the wage gap in America—according to the latest census data, in 2005, a household in the 90th percentile earned \$114,000 more—or 11 times as much—than a family in the 10th income percentile. Moreover, income for households at the top has grown over the last 30 years, while income for households at the bottom has remained flat.

A recent BusinessWeek article reported that increasing the minimum wage to \$7.25 an hour could raise the pay for 16 percent of the Nation's workforce. So I am unequivocally supportive of this initiative. I also believe, as the ranking member of the Small Business Committee and previously chair of the committee, that we need to balance the minimum wage increase with a robust package of small business tax and regulatory reform to relieve many of the burdens small businesses continue to face.

The fact is, small business is the engine that is driving the economy. It is the one segment of the economy that is actually creating jobs. Three-quarters of all of the net new jobs are created by a small business; therefore, it is in our interest to make sure we can guarantee for the future that this segment of the economy is going to continue to create jobs and to restore the long-term economic vitality of small businesses.

Over the past 20 years, which is the subject of this amendment today, the number and complexity of Federal regulations has multiplied at an alarming rate. In 2004, for example, the Federal Register contained 75,675 pages, an all-time record, and 4,101 rules. These rules and regulations impose a much more significant impact on smaller businesses than larger businesses. As illustrated by the chart behind me, it demonstrates unequivocally the disproportionate burden borne by small businesses versus large corporations in order to absorb the impact of more reg-

ulations and more rules. It illustrates the conclusion found in a recent report that was prepared by the Small Business Administration's Office of Advocacy that said in 2004 that the per-employee cost of Federal regulations for small businesses with fewer than 20 employees was \$7,647. In contrast, the per-employee cost of Federal regulations for firms with 500 or more workers was \$5,282. This results in a 44-percent increase in burden for smaller businesses compared to their larger counterparts. Clearly, we must find ways to ease the regulatory burden for our Nation's small businesses so they may continue to create jobs and drive economic growth.

As the leading Republican on the Small Business Committee, I continue to hear from small businesses across the country, in addition to my home State of Maine, which is essentially a small business State where 98 percent of all employers are small businesses. But to give an example of the impact of the regulatory burden, I cite one company, Hammond Lumber Company, which faces the increased cost of regulatory compliance. It is a shining example of the American dream come true. It has been a family-owned company for three generations. They have been thriving in the State of Maine and serving not only Maine but all of New England for more than 50 years. It grew from a company of 41 employees in 1976 to over 300 employees in 2006. Hammond Lumber exemplifies the tremendous spirit of the American entrepreneur. It also demonstrates the pivotal role small businesses play in creating jobs and driving our Nation's economy. However, as Hammond Lumber has grown, so has its regulatory burden. In 1976, its total regulatory cost per employee equaled \$98. Last year, it was \$441 per employee. I had the opportunity to tour the company. I talked to the owners and talked to the employees. Unquestionably, it is a thriving company. They told us that the burden they were enduring as a result of the regulatory compliance was clearly having adverse consequences.

So we need to level the playing field for small businesses and make it easier for them to comply with complex regulations. All too often, small businesses don't maintain staff, don't have the financial resources to comply with Federal complexities, rules, and regulations. This places them at a disadvantage compared to larger companies. It also reduces the effectiveness of the agency's regulations. If the agency cannot describe how to comply with its regulations, how can we expect a small business to figure it out? That is why I have offered this amendment, along with Senator ENZI and Senator LANDRIEU, which would clarify the small business requirement that exists under Federal law.

Our amendment is drawn directly from recommendations put forward by the GAO and is intended only to clarify an already existing requirement which