

overwhelmingly bipartisan vote in support of the detainee provisions, according to Senator REID, and that is why they are not being brought forward to the floor.

In my view, the President's counterterrorism adviser, Mr. Brennan, has it wrong. I am not sure he has read this legislation based on the objections he has raised because we are giving the President authority to detain, which is very important authority which he can exercise based on the national security of this country.

In order to have military custody, you have to be a member of al-Qaida or an affiliated force and planning an attack against us or our coalition partners. That is where the military custody comes in place, and I think that is very important because, of course, if you are a member of al-Qaida and you are planning an attack against the United States of America or our coalition partners, it seems to me that is a very appropriate instance for military custody given that we remain at war with al-Qaida and that the threats from al-Qaida are still very grave to our country, as demonstrated by—

Mr. McCAIN. So the statement Mr. Brennan made in his speech on September 16 at Harvard Law School saying that our counterterrorism professionals would be compelled to hold all captured terrorists in military custody is not correct?

Ms. AYOTTE. I am really concerned that Mr. Brennan, again, has not read this legislation because that statement is not correct. As the Senator knows—he worked very hard on a compromise with the chairman of the Armed Services Committee, Chairman LEVIN, and Senator GRAHAM, and in that compromise provision that we passed in a very strong, overwhelmingly bipartisan vote to have military custody, you have to be a member of al-Qaida and planning an attack against us or our coalition partners. It is limited to a very narrow category of very dangerous individuals. It isn't every single terrorist who is encountered.

The important issue is that when you read Mr. Brennan's speech, did you see anywhere in his speech to Harvard where he talked about this topic where he ever mentioned what is happening with those who have been released from Guantanamo?

Mr. McCAIN. It is interesting that he didn't because those who have been released, the latest number I have is about a 20-percent, roughly—and I don't know if the Senator from New Hampshire has different information, but at least one out of every five has returned to the fight and some of them in leadership positions of al-Qaida, which is, obviously, unacceptable.

Mr. President, I ask for an additional 3 minutes for the Senator from New Hampshire and myself.

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

Mr. McCAIN. I just want to mention very quickly—because in some re-

spects, the Senator from New Hampshire comes from a military family—that it is so important that we care for the men and women in the form of pay raises, in the form of housing, in the form of benefits, in the form of all of the things that are Congress's obligation to the men and women who are serving in the military. Now we are telling those men and women: Well, because of one provision in this legislation, which should be resolved through debate and amendments and votes, we are not going to take up the bill that authorizes the men and women the things that are necessary and vital for the men and women fighting in two wars.

Ms. AYOTTE. Senator McCAIN is absolutely right. It is outrageous that one provision that was a bipartisan provision is holding up the authorization from coming forward when it addresses things such as pay raises for our military. It addresses services for our wounded warriors. It addresses military construction that is needed for our soldiers. Those are very important issues. To hold this up at a time when we are at war, at a time when our soldiers need to know we are fully behind them, does a huge disservice to our country. This is an issue that, if there are problems with the detainee issues, should be debated on the floor. The American people deserve to know.

Guantanamo Director Clapper testified before the Intelligence Committee that the recidivism rate now is 27 percent for those reengaging in the battle, detainees whom we have released who are encountering our soldiers and our coalition partners, trying to harm Americans. So to not bring forward the Defense authorization bill, A, to help our soldiers and, most importantly, to do what is right for them, but also, B, to have a rigorous debate over this very important issue of protecting our soldiers from those detainees who have gone back and making sure we are protecting them and that we have a place to put those who are captured now, seems to me to be a disservice to this body and to our country.

Mr. McCAIN. I thank the Senator from New Hampshire, who has played a very important role in the Armed Services Committee, particularly on the issue of detainee treatment, which is important to the American people. As she just mentioned, one out of four returns to the fight. It is a badge of courage and legitimacy and leadership now in al-Qaida for someone who has been released from Guantanamo.

I hope the majority leader and our colleagues would agree that we could sit down and bring this bill to the floor, have votes, amendments, and then let the men and women who are serving and those who have served, including our wounded warriors, know we care enough to pass legislation that is vital to their ability to defend this Nation and to make sure they are properly equipped and properly compensated.

I thank the Senator from New Hampshire.

Ms. AYOTTE. I thank very much the Senator from Arizona. No one has been more dedicated to our military through his own service and the service of his family but also as a ranking member of the Armed Services Committee who has worked across the aisle to bring forward this Defense authorization bill. I would share in his comments, and I hope the majority leader will bring this forward. It is so important for our country.

I yield the floor.

#### GULF OILSPILL

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. As the Senator from Arizona is in the back of the Chamber, I just want to say this Senator appreciates his long public service and his dedication to this country.

Mr. President, as one of the Senators from a State that borders the Gulf of Mexico, naturally we have been quite concerned in the followup to the Deepwater Horizon oilspill. You will remember that was an oilspill that at first BP said: Oh, it was only 1,000 barrels a day. It was not until Senator BOXER, the chairman of the environment committee, and I were able to wrangle the actual streaming video from 5,000 feet below the surface and put it up on my Web site that the scientists could then calculate how much oil was coming out. It was not anywhere close to 1,000 barrels a day. In fact, it ended up being 50,000 barrels of oil a day that was gushing into the Gulf of Mexico. As a result of that total number of days, almost 5 million barrels of oil has gushed into the gulf, we can expect some serious economic and environmental consequences and particularly the consequences on the critters.

It is hard to go down to 5,000 feet and get data, because of the pressure there, about what is happening to the critters. But we have an opportunity to find out what is happening by where all that oil seeped in toward shore, onto the beaches and into the estuaries. Of course, the estuaries that were closest to the oil spill were the ones along the coastline of Louisiana and a lot of those marshes.

What I have learned in public service is that when we are addressing a problem, if it is a problem of this enormous consequence to not only the livelihoods of people who live up and down the gulf, whether their livelihoods be tourism, as so much of our State of Florida was affected, or whether it be the health of the actual critters themselves and, therefore, the livelihoods of a lot of people because of the shrimping and the fishing industry, which is major, coming from the gulf—what I have learned over my years in public service is what we have to do is dig down and start relying on science to inform us as to what is at the root of

the problem and how we go about solving the problem. I can tell my colleagues that even though they shut off the oil gushing in, the spill is not over yet. So we are going to have to do the kind of informed planning as to what we are going to do to address this environmental disaster, and science is the key to developing a plan.

We got a pretty good indication from former Gov. Ray Mabus, who is now our Secretary of the Navy and whom the President had tapped to head the task force on what is the best way to address the damage. Based on Governor Mabus's recommendations, the President then issued an Executive order, and it established an ecosystem restoration task force comprised of the relevant Federal agencies and each Gulf Coast State.

In the meantime, what we have done is worked with our colleagues in trying to figure out how to fund this important work. For this work, for this Senator, science is one of the key components. I can tell my colleagues from my experience in doing Everglades restoration in the State of Florida, if we don't have the science first to determine what to do, then we don't know how to do it; we waste a lot of money and a lot of time in the process. The science will help us make sure we accomplish what we are planning to do. Then our efforts are going to pay off. In other words, when a patient is sick, the doctor is first going to determine what is wrong and then will figure out the treatment options and then will monitor the patient's progress. Similarly, in this case, to get the best outcome for restoring the gulf, we must use the same scientific framework.

Why am I harping on this? Nine gulf coast Senators—minus only one gulf coast Senator—and all five State Senators signed up as cosponsors of this legislation headed by MARY LANDRIEU. When we filed this RESTORE Act, to take care of the money—in fact, most of the money is from the fine the Department of the Interior is going to level under the already existing law of the Oil Pollution Act—whatever that fine turns out to be, we have filed legislation to direct that money that comes from the fine. Naturally, some of it is for environmental restoration. Some of it is for economic restoration. Some of it is for planning for the future. A lot of it we hope will be going into the determination of science. Even though some economic development will come out of this legislation that passed unanimously out of the environment committee just a few weeks ago—even though economic development is going to be part of it—we have to know if we, in fact, are achieving our goal. The science is the key to that.

So just this week I met with two scientist professors at Louisiana State University. I will not say what the outcome was of what happened in the football stadium that afternoon when the University of Florida met with Louisiana State University, but that morn-

ing I met with these two LSU professors who received a RAPID grant from the National Science Foundation. In their research on what are called killifish, Dr. Whitehead and Dr. Galvez found that even in areas where the visible oil has disappeared, these little fish—about that large—and their embryos sustained long-term genetic damage.

Let me show my colleagues what I am talking about. The killifish is a small egg-laying fish found in the Gulf of Mexico. They spawn from March to October in shallow water in the marsh grass beds. Killifish, which when adult are about that long, are a popular bait fish and they eat a lot of mosquito larvae, so they become part of Mother Nature's natural pest control. So in April of 2010, when the Deepwater Horizon began to gush the oil, it was in the midst of killifish spawning season. When the oil continued to flow all summer, inching ever closer to the marshes, the killifish were exposed to it. Here is the proof.

The LSU researchers set minnow traps near the oiled areas off Louisiana in an area close to a barrier island between Barataria Bay and the Gulf of Mexico. This is what that particular marshy area looked like. We can see all the oil on the surface in this photograph. The problem is not the oil on the surface. When it gets into the marshes and gets into the grasses, this oil will eventually sink all the way through the water column and then it gets mixed up in the sediment. These small fish that are part of the natural chain of fisheries out in the gulf will root around down in that sediment.

I wish to show my colleagues now the gill tissue of healthy killifish. This is the tissue taken from the gills that were not exposed to the oiled marsh. The LSU professors had set these traps in six different locations, from Louisiana all the way to Alabama, where the oil had come in. It went, of course, as far as on into Florida, but they set these six locations. They found the area outside this area near Barataria Bay was where there was very little exposure. So this is a cross-section of some of the gills of killifish. Remember, for a fish, its gill is like our lungs. It oxygenates the blood and it removes the carbon dioxide. It is like us breathing, except it is a fish that is breathing. This gill tissue looks as though it has the main trunk and the branches coming off and they are evenly spaced. This was outside the area where we found a lot of the oil down in the sediment, as in the previous picture of where that marsh was off Louisiana. What this healthy tissue does is it provides a lot of surface area for oxygen to enter into the fish's bloodstream.

Let me show my colleagues the slide that shows the gill tissue of a killifish from the marsh where all the oil was. The reddish brown we see is the staining used by the researchers. There is a protein that will react to the uptake of oil and show where there has been ex-

posure. That is the reddish brown we see on these branches coming off the trunks. We can see just how dark it has stained.

Look at something else on this exposed tissue of the fish's gill. Look how disorganized and warped these branches now look. Compare that to the symmetrical shape of what we saw on the healthy fish. This, of course, is going to interfere with oxygen and carbon dioxide and the ion transfer in the bloodstream of these fish, and it is going to make it harder for the fish to breathe.

So in an area that is as economically and ecologically important as the gulf, this information is crucial to determining the extent of the harm. The gulf provides almost one-third of the Nation's gross domestic product—about one-third of the seafood—one-third of the Nation's seafood is coming from areas that are being exposed.

I asked the professors: Does that mean we can't eat the fish? They said there is no evidence it is harmful to eat the fish. But what it is showing is that when their ability to breathe starts being incumbered, it means these fish are not going to live or they are going to be significantly reduced in size or the population is going to be significantly reduced. If that is happening to this little fish called the killifish, can we imagine what is happening to the whole food chain?

I talked to one of the owners of one of the major New Orleans restaurants. I said: Tell me about your fishing. Tell me about your shrimpers. He said that some of the shrimpers off Louisiana are having to go 200 miles away in order to get their catch of shrimp. Naturally, that is having an economic effect because they are having to spend all that much extra time and money and fuel to get their catch of shrimp.

In a region that is so economically and ecologically important as the gulf, as a producer of one-third of all this Nation's seafood, you can see we potentially have a problem. Historically, we do not know much about the gulf. It is, on the average, a mile and a half deep. Where the Deepwater Horizon spilled, it is a mile deep. As the oil hit, we began to realize we did not have good baseline data about the resources that are in jeopardy. So moving forward, science is going to have to be a priority. We have to know the extent of the impacts so the American people do not pay for BP or Transocean's actions. Why should the American taxpayer pay for this? We have to find out how best to restore the gulf so it can continue to be the source of the environmental and economic wealth it has historically been to this country.

There are a number of us here who are going to continue to press for baseline data collection, long-term monitoring, and innovative research to inform gulf coast restoration. I hope our colleagues are going to join us in the first step toward that, which is the passage of the RESTORE Act, which has

come out of the Environment Committee, which is bipartisan, supported by almost all the Senators from the gulf, and for which we need to allocate defined money so it will go to good uses instead of, under current law, being poured into the Oil Spill Liability Trust Fund.

We are going to have the opportunity in the coming weeks to pass it in the Senate, send it to the House, and see if we can get our colleagues there to make a strong and bold step for letting science inform us as we try to restore the health of the gulf.

It is somewhat providential that my colleague from Alabama has come to the floor, probably to speak on another subject. But I would point out to the Senate he is a cosponsor of the RESTORE Act to try to restore the health of the Gulf of Mexico and to understand the changes I have just talked about, some of the initial research that has come from—sourced by, funded by—the National Science Foundation. I thank the Senator from Alabama for his cosponsorship, along with our other colleagues from the gulf coast.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank my colleague from Florida and appreciate his work on this issue. We have had a bipartisan effort. I was pleased Chairman BOXER, at the Environment and Public Works Committee, of which I am a member, joined with us in moving the legislation forward. I think it is time for us to do that now while we have an opportunity to make a decision that is fair to all parties. I believe this legislation is a thoughtful way to do it that would make the gulf a more healthy place. I thank the Senator for his leadership.

#### CHINA CURRENCY LEGISLATION

Mr. SESSIONS. Mr. President, I am here to share a few thoughts as we move to the final vote on the China currency legislation that I believe we must pass. I find it difficult, almost impossible, to believe there is a universal acceptance of the fact that the manipulation of currency by the Chinese Government—their efforts to keep their currency low, tied directly to the U.S. currency, regardless of the economic forces in the world that would argue for and set a different relationship between those currencies—the net result of that has been to damage the American economy, and I do not think anybody disputes it.

In fact, some of my colleagues in this body who have opposed the legislation out of fear of a trade war or something else have all acknowledged that the currency factors set by China are not good. They all acknowledge it adversely impacts the economy of the United States and costs American jobs. It is not right. It is just not right, and we are losing jobs dramatically.

The Federal Reserve Chairman—I would ask us to ask ourselves: Is Mr.

Bernanke, the Chairman of the Federal Reserve, a protectionist? Is he somebody who does not believe in trade? Is he somebody who is trying to stop trade? I do not think so. This is what he said last week on the question of jobs in his testimony before the House:

Right now, our concern is that the Chinese currency policy is blocking what might be a more normal recovery . . . in the global economy.

Blocking a normal recovery from a recession. He goes on to say:

It is to some extent hurting the recovery.

That is the Federal Reserve Chairman. So I do not understand the thought that somehow—when we say we have an obligation to our constituents to defend their legitimate interests on the world's stage in a global economy, to make sure the global economy, where trade is so valuable to us, is conducted in a fair way—it is not a fair system and it has been going on for over a decade. Our leaders—former Presidents, President Obama—all of them, when the chips are down, do not do anything significant to confront this problem. They just allow it to continue, and we are hemorrhaging jobs. Maybe more than a million jobs have been lost as to this one currency manipulation alone. I think it is unhealthy for the country.

I am worried about the middle class in America. I do not believe you can have a middle class in America without a vibrant manufacturing base. Many of those supporting free trade say we are going to become a service economy. But I do not see people working in the service industries making the kind of \$50,000, \$60,000, \$70,000 a year salaries that people do in major manufacturing companies. They just do not. There are various benefits from some of those jobs, and some of the people enjoy it, and it fits their skill level and what they want to do, and it is fine to say that. But to acknowledge we no longer are going to be a manufacturing nation does not make sense to me.

I believe we have no choice but to develop a sustained, effective policy to raise this question in a way that it cannot be avoided, and to confront our trading partners—China—with this manipulation and to say we wish to have a great, positive relationship here, we are not afraid to trade, we are not trying to hamper your economy, we think the world would be better if China's economy is healthy and growing, but not at our expense, not in a way that unfairly places American manufacturing at a disadvantage.

When your currency is 25 to 30 percent under value, it means that when we export a product, the product costs 30 percent more in China than it would otherwise have cost if the currency were right. China is not going to buy it if it costs 30 percent more. If you import a product from China—manufactured in China—to the United States, not only do they have an advantage of lower wages, but they have a 30-percent, a 25-percent currency advantage. We are just going to say: "Oh, this is just the way of the world. There is

nothing we can do about it. We believe in free trade"?

Well, as I have said, I believe in trade. I believe in good trade. My record I think will indicate that. But I have told my constituents—and I think most of us in the Senate and in the House talking to our constituents—we say we believe in trade, but we believe in fair trade. We believe in defending our workers from unfair competition. We will stand up and take our lumps and we will take our gains in a fair competition. But we do not sit by and let our workers lose their jobs, have our plants close as a result of an unwillingness on behalf of the government in Washington to defend their interests. How much common sense is that?

Mr. Bernanke, the Wall Street Journal, all the others—the Club for Growth—they all acknowledge this is an unfair trade practice. They all acknowledge it hurts us. But they say we cannot do anything about it. Well, we will keep on talking. We will let the administration keep talking and maybe they can work this thing out. But it has been going on for years and it has not been worked out, for reasons I am not able to understand.

A major American manufacturer can decide that: Well, China has lower wages and now they have a 30-percent advantage in currency, why, we could close our plant here in New Mexico or we could close our plant in Alabama or Ohio and we will move it to China, and we will make that product over there, and we can import it with a 30-percent currency advantage on top of labor, and we will make more money that way.

I think that is how decisions are being made in this country right now. They are being made in that fashion. If you are a stockholder in one of those companies, you would say: That makes common sense to me. But I am not here as a stockholder in a company. I am here as a U.S. Senator, representing 4 million Alabama constituents, really representing the interests of the United States of America, and I do not think it is good for America. It might be good for this company or that company, but it is not good for America. I do not think—in fact, I am confident it is not. It has to end, and we need to defend aggressively on the world stage the legitimate interests of American manufacturing and American workers. We have not done that. It has caused a lot of frustration out there and it has caused a lot of job loss, in my opinion.

Well, they say, if you stand up here and you tell the Chinese, look, you have had 9 percent growth last year and are looking for another 9 percent growth this year—you are the No. 2 economy now in the whole world—if we tell them a lot of this has been the result of taking advantage of U.S. trade policy, and they have to stop, this will somehow make them mad and this will