

One-third of African-American children live below the poverty line, as do nearly one-third of Latino children. We must give these children a boost in life by ensuring that their hard-working parents receive a living wage. Raising the minimum wage will help raise these families out of poverty, making a difference in the lives of their children. Increasing the minimum wage will help nearly 7.5 million children whose parents would receive a raise, and over 3 million kids have parents who would get an immediate raise.

Reducing child poverty is one of the best investments that Americans can make in our Nation's future. Fewer children in poverty will mean more children entering school ready to learn, more successful schools and fewer drop-outs, better child health, and less strain on hospitals and public health systems, less strain on our juvenile justice system, and less child hunger and malnutrition and other important advances. It is long past time to raise the minimum wage. No child in this country should have to live in poverty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I understand from the distinguished Senator from Massachusetts that this concludes for this period of time his comments on the minimum wage. I would simply ask at this time unanimous consent that those Senators desiring to have statements on the minimum wage amendment printed in the RECORD appear following Senator KENNEDY's colloquy with his colleagues.

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

Mr. WARNER. We will, of course, I say to my good friend, in due course comment and provide a response to, first, your request on procedure, and, second, to the substance of this very important amendment. So I thank you for the cooperation that you have shown this morning.

Mr. KENNEDY. I thank the Senator.

EXECUTIVE SESSION

NOMINATION OF DONALD KOHN TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of Calendar No. 711, Donald Kohn; provided further that Senator BUNNING be recognized to speak for up to 15 minutes; following the use or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no further intervening action or debate.

Finally, I ask unanimous consent following the vote, the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I simply would say, it says "Senate resume legislative session." It should be: The Senate will resume the session of morning business. We wouldn't return to legislation right away.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for consideration of Executive Calendar No. 711, which the clerk will report.

The assistant legislative clerk read the nomination of Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky is recognized for 15 minutes.

Mr. BUNNING. Thank you, Mr. President. I will not require 15 minutes, but I do have some things to say about the nominee. I just want to speak for a few minutes to explain why I am going to vote no on the nomination of Donald Kohn to be Vice Chairman of the Board of Governors of the Federal Reserve.

I am going to vote against Dr. Kohn because I do not think he has been an independent voice at the Fed. Since he joined the Fed in 2002 as a member, he has agreed with all of the interest rate decisions that Chairman Bernanke and former Chairman Greenspan advanced. And because of recent statements, some as recently as Friday, I am convinced he is not going to speak up against yet another decision to hike interest rates when the Fed open market committee meets at the end of this month.

Interest rate and inflation fears caused by statements from the Fed members have put our stock markets into free fall. Ever since the last Fed hike, stock values have been plummeting. A lot of value has been destroyed. Even counting a few good days last week, most of the major indexes are, at best, flat for 2006, despite a great runup in the first 4 months of the year. Individual investors and pension funds have lost billions of dollars, investors' confidence is shaken, and for what? Inflation data is at worst mixed. I certainly do not believe it is out of control. Oil and commodity prices have fallen significantly lately. Consumer spending is still strong.

Former Fed Chairman Greenspan said recently that the economy has been able to handle the high gasoline prices. And even Chairman Bernanke admitted last week that the signs of inflation have weakened.

But the Fed keeps raising interest rates, and its members keep talking like another rate increase is coming, even after the June meeting. Inflation indicators talked about by Fed members look at what has been, not what is coming. And interest rate increases take time to impact the economy. But

the Fed has not taken a break in raising rates for over 2 years—2 years. The Fed has a bad record of overshooting, and I am afraid they will overshoot this time if they have not already done so.

We all know that interest rate hikes will slow the economy. I just hope that it won't kill it. We need the Fed to stop the madness. I am not convinced that Dr. Kohn will be a voice to stop the madness sooner rather than later. Because I am not convinced Dr. Kohn will be the right voice at the Fed or an independent voice as Vice Chairman, I will vote no.

So, Mr. President, I ask unanimous consent that when the vote occurs on Dr. Kohn's nomination, the RECORD reflect that I voted no.

I yield the floor.

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

Under the previous order, the vote now occurs on the nomination. The question is, Will the Senate advise and consent to the nomination of Donald L. Kohn, of Virginia, to be Vice Chairman of the Board of Governors of the Federal Reserve System?

The nomination was confirmed.

Mr. WARNER. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. WARNER. Mr. President, unless there are other Members seeking recognition, I know our distinguished colleague from New Mexico wishes to speak, and we will continue in morning business with Senators speaking up to 10 minutes each.

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

The Senate will be in a period of morning business with Senators allowed to speak for up to 10 minutes each.

The Senator from New Mexico is recognized.

GUANTANAMO PRISONERS

Mr. BINGAMAN. Mr. President, when it is appropriate, I would like to offer an amendment to the Defense authorization bill, and I have provided that amendment to the chairman of the committee and to the ranking member. I would like, obviously, to get a vote on that at whatever time is convenient to them and the orderly processing of that legislation. I am told that right now is not the right time, and that I

should go ahead and speak as in morning business and explain the amendment, which I am glad to do.

This is amendment No. 4317. It has been filed. It is at the desk. I would just explain to people this is an amendment that would propose to expedite the processing of individuals who are being held in Guantanamo.

Let me take a brief moment and describe more specifically what the amendment does. With respect to individuals currently held at Guantanamo, the amendment would require that the Government charge, repatriate, or release those prisoners within 180 days of the enactment of this legislation; that is, the completion of the signing by the President of the Defense authorization bill. However, if for any reason the Government has not charged or repatriated or released the individuals within that timeframe provided in the amendment, then the Department of Defense would be required to provide a report regarding why they have not done so to the appropriate committees of the Congress, and this report could be submitted in classified form, if necessary, or in unclassified form.

Nothing in the amendment would require the Department of Defense to release any individual who is a threat to the security of the United States. Also, to make it perfectly clear, this amendment does not state that the Guantanamo facility would be closed within 180 days. The amendment merely provides that within that period, which I believe to be a reasonable timeframe, the United States will make a determination regarding what it intends to do with the individuals currently being held there. For example, if an individual is charged and tried before a military tribunal, there is nothing in the amendment that prevents the Government from continuing to detain that person at Guantanamo, either while they are awaiting trial or after they are sentenced, if a sentence is imposed and they are found guilty. My amendment is simply aimed at moving this process along, not at closing the facility.

The amendment also provides the Government with flexibility regarding the appropriate venue if it decides to bring charges against an individual. The Government could file charges in a United States district court, in a military tribunal, or in an international criminal tribunal. On June 9, President Bush stated that he believes that those held at Guantanamo "ought to be tried in courts here in the United States."

Several days later, on June 14, he said that the best way to "handle these types of people is through our military courts."

Frankly, whether they are tried in our military courts or in domestic courts is not of great consequence, as long as the trial is conducted in accordance with due process. What is important is that the individuals whom we believe have committed a crime are brought to justice and those who are

not a threat to this Nation are released. This is one of the fundamental premises of our traditional notion of justice, and it is time that we restore our adherence to this important principle.

Serious questions have been raised with respect to the military commissions that are currently being used in the few cases where individuals have been charged. In fact, the Supreme Court is expected to rule within the next week or so regarding the legality of such commissions. However, the amendment that I am offering does not favor any one venue over any other venue, should the United States decide to try an individual. The amendment simply states that a person may be charged in a "military tribunal." This could include court martial proceedings under the Uniform Code of Military Justice or military commissions.

The amendment does not provide the Government with any new authority, nor does it restrict the ability of the Government to bring charges in an appropriate military tribunal. Regardless of what the Supreme Court rules in the Hamdan case, the amendment still maintains flexibility with regard to such decisions.

Some may assert that under the laws of war there is no requirement that a person be charged with a crime and that individuals can be held until the end of hostilities. While I understand this argument, we have not applied traditional laws of war with respect to these people. Neither have we applied traditional notions of domestic criminal law.

Over the last several years the administration has been adamant that it would not apply the requirements of the Geneva Convention to these prisoners and that Federal courts have no role in providing judicial oversight of the detention of these individuals. The fact is that the administration has made up the rules that apply to these persons as they have gone along.

In addition, as the President likes to say, we are fighting an unconventional war of an indefinite duration. The threat of terrorism is not going to be resolved with some formal peace treaty. It is and will remain for some time one of the most significant challenges that you or our Nation will face.

It is time that we begin to close the legal black hole that has existed with respect to these individuals and begin to deal with them within some recognized legal framework. As the President stated on June 14 of this year, "We better have a plan to deal with them in our courts." I agree with that. The amendment I am offering would help expedite this process and would ensure that the United States has such a plan. It would also reassert congressional oversight of the process.

Under the amendment I am offering, the Government could also send an individual back to his home country, so long as there are not substantial

grounds to believe that the individual would be subjected to torture or, if appropriate, the Government could release the individual to a third party country. Nothing in my amendment biases what is done with these individuals. As I have said, the decision of whether a person is charged or repatriated or released is in the discretion of the Government and would be made in a manner consistent with our national security.

Some may argue that the 180 days provided under the amendment is not enough time to make such a determination. First, let's remember that many of the people we are talking about have been at Guantanamo for over 4 years. It is my understanding that no new prisoners have been sent to Guantanamo for over 21 months. Every person held at Guantanamo has already gone before a Combatant Status Review Tribunal to determine whether they are so-called enemy combatants.

As part of this process, the Department of Defense presents the evidence that it believes provides a basis for the continued detention of the individual. All of the prisoners have been interrogated repeatedly and the intelligence regarding their alleged wrongdoing has been thoroughly vetted. As such, the 6 months provided under this amendment is more than sufficient time to make a decision of what to do with these individuals. There has been plenty of time to gather the information necessary to make a determination of whether or not they should be tried for committing a crime or whether they should be sent to their home country or whether they should be released if they are not in fact a threat to the United States. But, as I mentioned before, if the Government is unable to comply or chooses not to comply, it is simply required at that point—the Secretary of Defense is required—to provide the relevant congressional committees with information regarding why this deadline was not met.

These are not earth-shattering proposals that are contained in my amendment. These are all options on which the President has said that he is moving forward. President Bush has stated on several occasions recently that he would like to close Guantanamo and that the individuals being held there should be tried in a court and repatriated or released.

This last May, while on a trip to Germany, the President said, "I would like to close the camp and put the prisoners on trial." He has reiterated this position twice this month. He has also stated that the Government is in the process of repatriating certain individuals. According to the Department of Defense, there are about 120 prisoners who have been determined to be eligible for transfer or release.

Unfortunately, despite the statements that progress is being made in processing these individuals, the facts are clear. There are currently approximately 460 prisoners that remain in a

state of indefinite imprisonment with little prospect of either being held accountable for their actions or being allowed to prove their innocence. Since the United States began sending people to Guantanamo in 2002, only 10 individuals have ever been formally charged with any wrongdoing.

From a diplomatic standpoint, the continued indefinite detention of individuals at Guantanamo has damaged our own country. As President Bush said on June 14:

No question, Guantanamo sends a signal to some of our friends—provides an excuse, for example, to say the United States is not upholding the values that they are trying to encourage other countries to adhere to.

The President is right. I strongly believe that the prolonged indefinite imprisonment of persons without charges is inconsistent with the traditions and values of the United States and that it will continue to cause difficulty in our relations with other nations, including the allies that we rely upon in confronting the threat of terrorism. Frankly, it is embarrassing that when our leaders travel the world they have to constantly respond to questions about why the United States is indefinitely imprisoning people and whether it is engaging in interrogation methods that amount to torture.

Where the United States was once a champion of due process and an advocate for the humane treatment of prisoners, we are now subjected to almost universal criticism throughout the world community over our violation of these principles. Our handling of these individuals has not only resulted in serious doubts by our allies about whether we are a nation that respects the rule of law, but they have also given the terrorists around the world an opportunity to use this resentment to advance their goals.

In July 2003, almost 3 years ago and over a year and a half after the first person was sent to Guantanamo, I introduced a similar amendment to the Defense Appropriations bill that would have required the Secretary of Defense to simply report to Congress regarding the status of individuals held at Guantanamo and whether it intended to charge or repatriate or release such individuals.

The amendment was aimed at encouraging the Department of Defense to make decisions as to what it intended to do with the individuals and to provide for basic congressional oversight. Opponents of the measure argued that even a report on the administration's intentions placed unwarranted pressure on the administration to make decisions and that additional time was needed to investigate those individuals and to exploit useful intelligence. Since that time, these persons have been interrogated, have been investigated at length, and any useful intelligence information has been gathered.

Once again, I anticipate there will be those who say that we need to wait, we

need to do nothing, we need to let the process work itself out in the courts or within whatever timeframe the executive branch believes is proper. As Senators, I believe our responsibility is not to sit back and watch as another several years roll by. The time to act is now. Reasserting congressional oversight of this process is long overdue.

We have been holding people at Guantanamo for over 4½ years. The time has come to begin to close this chapter in our Nation's history. It is time for the Senate to provide a clear message that the United States takes seriously its obligation to uphold the rule of law.

I have no doubt that we will look back at the Guantanamo experience as an aberration, as a mistaken endeavor that has taken us away from our historic commitment to the rule of law and respect for basic human rights. However, I also believe that we are at a transition period. We have before us an opportunity to change course. I hope my colleagues will support this important measure when I do offer it as an amendment to the Defense authorization bill.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his cooperation on the procedure this afternoon. This is a very significant and important amendment. In due course we will have comments from our side with regard to the amendment. I am certain the distinguished ranking member and I will work out a timely schedule for you to bring it up again, take such time as you need for further debate, be followed by a debate on this side and then a vote, because it certainly is one that deserves the attention of the Senate.

Mr. President, I see my distinguished ranking member here. We are in morning business, I say to my colleague.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me commend the Senator from New Mexico for his amendment. It is a very significant amendment. It is carefully worked out. It is very much worthy of the Senate's consideration.

I know we are in morning business. I simply want at this point to inform the body that an amendment which I have now filed on behalf of myself, Senator JACK REED, Senators FEINSTEIN and SALAZAR, is now at the desk. Its number is 4320. Its purpose is to state the sense of Congress on the United States policy on Iraq.

I am not going to speak on the amendment at this time.

Mr. WARNER. Why don't you go ahead and speak on it?

Mr. LEVIN. No, I would rather save my remarks for a time when it relates more to the issue at hand, when we call up this amendment. I thank my good friend from Virginia for that suggestion, but I think I would rather, at the time I call up the amendment, make the remarks.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in his usual courtesy, the Senator from Michigan handed me, a few moments ago, this amendment. I glanced over it. It is, indeed, I think, a very serious-minded approach. I am not sure at this point in time I am ready to say that I concur in all provisions. But it is reminiscent of the initiative taken last year by the distinguished Senator from Michigan when he put in an amendment with regard to the situation in Iraq. I recall very well having taken that amendment and reworked it in some several ways, and eventually the Senate adopted that amendment. So I will, accordingly, give it very serious consideration, and at an appropriate time I look forward to engaging him in debate on this amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me again thank my good friend from Virginia. I, too, indeed, remember that debate last year on that amendment. The Senator from Virginia made a very constructive contribution to the debate. The final outcome was not the original amendment that I filed, but what remained of the amendment was significant and I think had an impact on the policy of this country. I commended him then and I commend him now for that effort on his part. I look forward to a discussion about this amendment, No. 4320.

Mr. WARNER. Mr. President, I thank my colleague. I notice in this amendment, though, language quite similar to what we had last year in one provision on this amendment.

At this time, unless the Senator from New Mexico desires to further address the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

The Senator from Alaska is recognized.

MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT OF 2005

Mr. STEVENS. Mr. President, the Senate just passed critical legislation to ensure the productivity and sustainability of our Nation's fishery resources. S. 2012, the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2005, is the product of over a year and a half of discussions, hearings, drafts, revisions, and compromise.

My good friend and cochairman of the Commerce Committee, Senator INOUE, worked closely with me on drafting this bill to manage and regulate the fisheries in the United States