

which was below the average of the 1960s, below the average of the 1970s, below the average of the 1980s, and below the average of the 1990s.

In short, it is an economy that has grown because of the grit and spine of the American worker, whose productivity exceeds that of all others. It has also grown because of explicit policies designed to lower tax burdens on the American public, to reduce the burdens of unnecessary and costly Government regulations, to limit the growth of unnecessary Federal spending, and then to step back and let the American workers release their great entrepreneurial competitive spirit.

The result: For the first 9 months of this fiscal year, total Government receipts rose by nearly 13 percent compared to the same period last year. That increase represents the second highest rate of growth for that 9-month period in the past 25 years, surpassed only by last year's strong record. Corporate tax receipts have grown over 26 percent, and individual tax receipts have grown 14 percent the first 9 months of this year.

When this strong growth in tax receipts is laid alongside spending that has grown about half as fast, it is no wonder the estimates released today show the Federal deficit declining rapidly.

We are making progress to bring our spending and revenue into line. Despite the cost of the Global War on Terrorism, despite the drain to our Treasury from Hurricanes Katrina and Rita and increasing costs of our health care system, we are making progress.

More needs to be done, and we cannot rest on the progress made to date. We must continue to limit the growth of unnecessary, parochial spending in the Federal budget. We must continue to find ways to lower the cost of providing health care to our seniors and to workers and their families. We must find new sources of energy for the future. We must invest the taxpayers' dollars wisely in those areas which will continue to increase our competitive advantage in a growing, competitive global economy. We must continue to lower tax burdens on families and businesses so they can plan, invest, and continue to contribute to a growing economy in the years ahead. We must do all this and more while continuing to strive to achieve fiscal balance. Today's figures confirm for me that we can and we will achieve these blessings for future generations.

I yield the floor.

THE ACTING PRESIDENT pro tempore. The Senator from Nevada.

THE ECONOMY

Mr. REID. Mr. President, I was not planning on speaking today, but I must respond to the distinguished majority leader's comments about what is happening to our economy.

One need only look at a newspaper. It doesn't matter which newspaper one

picks up. The one I picked up in the cloakroom is the Washington Post business section. The headline of the Washington Post business section reads:

Tax Cuts Credited; Long-Term Outlook Still Seen as Bleak.

And you flip down through the article, it says, among other things:

But the favorable news about the money rolling into the Treasury stems largely from shifts in the economy, including fatter corporate profits, executive bonuses and stock market gains, that reflect growing inequality, the administration's critics contend. And even the White House acknowledges that in the long run, the nation's fiscal outlook [seems very] bleak.

We need only look on the next page where the story is carried over:

The administration's estimate was widely derided at the time; budget experts said aides to President Bush were overestimating the red ink so they could claim credit later when the actual figures came in below forecast.

This is what they did. Earlier in the year, they talked about how big the deficit would be, and they planned that because everyone knew the deficit would be smaller than that. Smaller? Mr. President, \$300 billion—is that anything to brag about? I think not.

The news article further says:

But revenue often soars or plummets unpredictably with the stock market, and a troubling story emerges from a look at the main sources of the latest revenue bonanza, according to the administration's critics.

"This all relates to the widening income disparities between high-income individuals and the rest of the population. . . ."

Our economy is not in good shape. The distinguished majority leader brags about 5.5 million jobs having been created. During the administration of President Clinton, 23 million jobs were created. We went months during this administration when no new jobs were created. During the years of President Clinton, 23 million new jobs were created, and they were high-quality jobs.

During the last 3 years of the Clinton administration, we didn't have a \$300 billion deficit that people are bragging about today on the Senate floor. We paid down the debt. We spent less money than we were taking in. We brought down the national debt by about a half trillion dollars.

So, please, let's not boast about a \$300 billion deficit. Any statistic one looks at recognizes the rich in America are getting richer, the poor are getting poorer, and the middle class is being squeezed. I hope some reality will come to the situation we find now on the Senate floor where the majority leader is bragging about how great it is that we have a \$300 billion deficit. I don't think that is good news. I think it is bad news.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the 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 for up to 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Nevada.

Mr. REID. Mr. President, I yield whatever time he consumes to the distinguished Senator from Illinois.

GUANTANAMO BAY

Mr. DURBIN. Mr. President, I thank my leader on the Democratic side.

Yesterday I visited Guantanamo Bay, along with my colleague, Senator GEORGE ALLEN of Virginia. RADM Harry Harris, commander of the Joint Task Force in Guantanamo, spent most of his day giving us a very informative briefing and a tour of the facilities.

I thank the admiral, and I thank all the soldiers and sailors at Guantanamo for their service to our country. They are great Americans doing a difficult job in a dangerous place.

I met with several young men and women from Illinois. I had lunch with them. As I always do, I left with even greater respect for our men and women in uniform. They are truly our best. They deserve our gratitude every single day.

I am old enough to remember the Vietnam war. It was a divisive war politically, and our divisions were taken out on the soldiers. That should never happen again. We can debate the policies of the United States on the floor of the Senate, but we should never debate the courage and commitment of our men and women in uniform. It is beyond reproach.

For some time, I have been critical of the Bush administration's policies on interrogation and detention. I believe these policies are not true to American values. They have hurt our efforts in the war on terrorism. They put our brave men and women in uniform at even greater risk.

Let me be clear. My criticism of the administration's policies does not reflect in any way on the fine men and women in the military. In fact, I think the Bush administration's policies in many cases have done a disservice to our military. The men and women serving at Guantanamo have a difficult job. The administration's confusing, conflicting, and, according to the recent Supreme Court decision, illegal policies have made their job even more difficult.

After the September 11 terrorist attacks, the Bush administration unilaterally decided to set aside treaties which the Senate had ratified and which had been followed and honored by previous administrations of both political parties—treaties that have served us well for generations.

Alberto Gonzales, who was then White House Counsel to the President, recommended to him that the Geneva Conventions should not apply to the war on terrorism. But Colin Powell, who was then Secretary of State, objected to Mr. Gonzales's recommendation. He argued that we should comply with the Geneva Conventions and that we could do so and still effectively fight the war on terrorism. In a memo to White House Counsel Gonzales, Secretary Powell pointed out the Geneva Conventions do not limit our ability to hold and question a detainee. He also noted that the Geneva Conventions do not give Prisoner of War status to terrorists. That was Secretary Powell's opinion.

In his memo, Secretary Powell went on to say that setting aside the Geneva Conventions:

will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops. . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.

When you look at the negative publicity about Guantanamo today, Secretary Colin Powell's words a few years ago were clearly prophetic.

Unfortunately, President Bush rejected Secretary Powell's counsel and instead stood by White House Counsel Gonzales's conclusion. On February 7, 2002, the President issued a memo dictating that the Geneva Conventions would not apply to the war on terrorism.

After the President decided to ignore the Geneva Conventions, the administration unilaterally created its own new detention policy. They claimed the right to seize anyone, including an American citizen in the United States, and hold him until the end of the war on terrorism, whenever that might be.

They claimed that Americans and others who were detained have no legal rights. That means no right to challenge their detention, no right to see the evidence against them, and no right to even know why they are being held.

In August of 2002, the Justice Department issued its infamous torture memo. This memo narrowly redefined the meaning of torture. It said abuse only rises to the level of torture if it causes pain equivalent to organ failure or death. The memo also concluded the President had the authority to order the use of torture, even though torture is a crime under U.S. law. This became official administration policy for over 2 years before it was withdrawn under public pressure.

Relying on the President's Geneva Conventions determination and the Justice Department's torture memo, Defense Secretary Rumsfeld approved numerous abusive interrogation tactics for use against prisoners in Guantanamo Bay, including threatening detainees with dogs and forcing detainees into painful stress positions for long periods of time. The International

Committee for the Red Cross has concluded that the use of these techniques is torture.

What has been the impact of the Bush administration's detention and interrogation policies? As a result of these policies, and despite the fine service of our military, Guantanamo has become a divisive, negative symbol of America around the world. Even Great Britain, our closest ally in the war on terrorism, has called for Guantanamo to be closed. This is what Lord Goldsmith, the Attorney General of Great Britain, said:

Not only would it, in my personal opinion, be right to close Guantanamo as a matter of principle, I believe it would also help to remove what has become a symbol to many—right or wrong—of injustice. The historic tradition of the United States as a beacon of freedom, liberty, and of justice deserves the removal of this symbol.

Some people dismiss our allies' views on Guantanamo. They say it is up to the United States to decide how to fight terrorism and other countries should stay out of our business.

Of course, we need to do whatever it takes to protect America and keep us safe, whatever the international criticism. But look at the price we are paying for these administration policies. Our closest allies say it is more difficult to cooperate with the United States' efforts in the war on terrorism. As Lord Goldsmith said, Guantanamo is harming the image of the United States around the world.

It bears noting that in terms of lives committed to the cause, Great Britain was our strongest ally in the invasion of Iraq. Their judgment on Guantanamo deserves our respect.

And it is not just foreign governments that have criticized the administration's policies. It is also brave Americans who are fighting on the frontlines in the war on terrorism.

According to a publicly released FBI memo, at least 26 FBI agents have complained about abuses they witnessed at Guantanamo. According to the memo, during 2002 and 2003, 17 of these agents were complaining about "DOD [Department of Defense] approved interrogation techniques." In other words, these FBI agents were not complaining about the actions of bad apples or rogue soldiers; they were complaining about tactics that were approved by the administration and were used at that time, in 2002 and 2003, at Guantanamo. The concerns raised by the FBI are currently under investigation by the Justice Department's Inspector General.

When I raised these concerns yesterday at Guantanamo, before the men and women who are in charge of that facility, they understood what I was speaking of. They referred me to the Inspector General and said these matters are under investigation. One of the lead interrogators drew me aside and said privately to me: I don't want to ever be part of that kind of conduct. I believe him, and I respect him for what he said.

In addition to FBI agents, several military lawyers, known as Judge Advocate Generals, have also raised serious concerns about administration policies. Their concerns are found in the so-called JAG memos which have been made public. For instance, Major General Jack Rives in February 2003 said:

We have taken the legal and moral "high road" in the conduct of our military operations regardless of how others may operate. Our forces are trained in this legal and moral mindset beginning the day they enter active duty . . . We need to consider the overall impact of approving extreme interrogation techniques as giving official approval and legal sanction to the application of interrogation techniques that U.S. forces have consistently been trained are unlawful.

Of course, the Supreme Court has weighed in now. In 2004, in two landmark decisions, the Supreme Court rejected the administration's detention policies. The Court held, as Justice Sandra Day O'Connor famously wrote for the majority in the Hamdi case:

A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.

Unfortunately, the administration continued to implement policies for the treatment of detainees that violate the Constitution, treaties, and laws of the United States.

Two weeks ago in the Hamdan decision, the Supreme Court again rejected the administration's policies. The Court held that the Administration's military commissions are illegal and that the President is required to comply with the Uniform Code of Military Justice and the Geneva Conventions. The Supreme Court reminded the President that no man is above the law, even during a war.

In my estimation, the fine men and women at Guantanamo are working hard to overcome the damage done by the Administration's policies. For example, they no longer use abusive interrogation techniques that the administration approved. In fact, as the chief interrogator told me yesterday, the techniques currently being used at Guantanamo comply with the Geneva Conventions. He said the Geneva Conventions provide sufficient flexibility to interrogate detainees effectively.

I asked the chief interrogator yesterday in Cuba at Guantanamo: If you were told today that you had to follow the Geneva Conventions in the way that you interrogate all of the detainees at Guantanamo, what would you have to change? He said: Nothing. I said: Do you follow the McCain torture amendment which passed the Senate 90 to 9? He said: We do.

So to argue that respecting the Geneva Conventions would in any way diminish our ability to interrogate these detainees is not right, at least not in the mind of our chief interrogator at Guantanamo. This is what Secretary of State Colin Powell told the President 4 years ago. I wish the President had followed his counsel.

According to a report in this morning's Financial Times, in response to

the Hamdan decision, the Defense Department has finally acknowledged that Common Article 3 of the Geneva Conventions applies to all detainees in U.S. military custody. If this is true, it is a belated but necessary and welcome step in the right direction.

Our troops at Guantanamo are doing their best, but they have a heavy burden to carry. Every day they wake up, put on their uniforms and face the challenges of performing a very difficult job. Now they face the added burden of attempting to rehabilitate the image of Guantanamo.

Our young soldiers and sailors should not have to carry that burden alone. It is long past time for Congress to help. Congress must ask: Have we given our troops an impossible task?

I have come to the difficult conclusion that it is time to close Guantanamo. We should immediately begin phasing out the detention and interrogation operations at Guantanamo Bay, with the goal of closing the Guantanamo detention facilities before the end of this calendar year. Even President Bush has acknowledged that Guantanamo should be closed. Despite the valiant efforts of our troops, Guantanamo has become a powerful, negative symbol around the world for the failures of this administration.

As Admiral Harris told me yesterday, many of the detainees can be charged, transferred to other countries, or released. In addition, there may be a continuing need to detain a small number of individuals who cannot be charged with a crime, but who still pose a danger to our country. I do not believe that we should release anyone who is a danger to our country or a danger to our troops. It is right that we hold them, if they are such a danger, in the appropriate legal fashion.

Of course, closing Guantanamo is just the beginning of this process. There are still many serious flaws in the administration's interrogation and detention policies. An example is the signing statement the President added to the McCain torture amendment last year, which still raises questions about what the intent of the administration is when it comes to torture. The Senate spoke 90 to 9 in a bipartisan fashion. I was proud to be a cosponsor of the McCain amendment, which said that we will not engage in torture, cruel, inhuman or degrading treatment of prisoners. That should be a clear standard for the United States to follow unequivocally.

The Supreme Court, 2 weeks ago, made it clear: We are a Nation of laws, even during a war. No person in America is above the law, including the President.

It is time for Congress to make it clear to the President that he is bound by the treaties we ratify and the laws we pass, whether it is the Geneva Conventions, the Uniform Code of Military Justice or the McCain torture amendment.

It is time for us to fulfill our constitutional responsibilities. Our brave

men and women in uniform are doing their job. Now it is time for Congress to do its job.

Mr. President, this trip yesterday was an important trip for me, personally, to see Guantanamo firsthand and to meet the men and women who are doing such a great job for our country. My heart goes out to them because I know the sacrifice they are making to serve our Nation. My heart goes out to them as well because, for the last several years, they have been given conflicting messages and conflicting policies from this administration. These men and women in uniform are trained to follow the rule of law and the Geneva Conventions and the Uniform Code of Military Justice, but the conflicting policies of this administration on torture and detention have created an atmosphere which is unfair to the troops and inconsistent with the values of America.

It is clear now that we must close Guantanamo. It has become a negative symbol of the United States around the world. We must transfer those prisoners to new facilities to signal to the world that the decision of the Supreme Court has charted a new course and a new direction for America, that we have received this message and we must move forward, and we must make it clear to the world that despite the threat of terrorism, the United States will still follow the rule of law, we will follow the Geneva Conventions, we will follow the Uniform Code of Military Justice, and we will follow the bipartisan McCain torture amendment. We must make it clear that we will keep America safe, and we will also protect our values in the process.

Mr. President, I yield the floor.

The ACTING PRESIDENT Pro Tempore. The minority's time has expired.

The Senator from Colorado is recognized.

STATE OF THE ECONOMY

Mr. ALLARD. Mr. President, I have in my hand a report that has been released about 12 or so minutes ago. It is a report on the fiscal year 2007 mid-session review. It is on the budget of the U.S. Government, put out by the Office of Management and Budget. It says pretty much what the Congressional Budget Office has been telling us for the last 30 days: That our tax cuts are working, the economy is strong, revenues are up, and deficits are down. Let me talk a little bit about the tax cuts and how they are bringing in additional revenues.

The Republican progrowth tax policies enacted in 2003 have triggered 2½ years of economic growth, unprecedented tax revenue increases and job creation. Since the 2003 tax cuts, America has increased the size of its entire economy by 20 percent or \$2.2 trillion.

A remarkable observation was made by CNBC's Larry Kudlow over the weekend, which I think helps to put this in perspective:

This \$2.2 trillion expansion is roughly the same size as the total Chinese economy, and much larger than the total economic size of nations like India, Mexico, Ireland, and Belgium.

Pursuant to the extraordinary economic growth spawned by the 2003 tax cuts, Federal revenues have rebounded sharply following several years of decline. I would attribute most of this to the fact that we targeted reducing taxes on those industries that would create more jobs and create more revenue for the Government, particularly the small business sector. I think one of the greatest incentives for the economy to grow has been the expensing provisions that we directed toward small business which allowed the small business to write off a greater percent of their operations within 1 year. It was a huge tax benefit to small business which has resulted in a lot of increase in the number of jobs and a lot more productivity and innovation from the small business sector. It is the small business sector that drives the major portion of our economy.

Revenues grew by a dramatic 14.5 percent last year and are forecast this year to grow by \$245 billion or 11.4 percent.

Last week, the Congressional Budget Office reported corporate tax receipts for the first three quarters of this fiscal year hit \$250 billion, nearly 26 percent higher than the same time last year. Corporate tax receipts, the taxes that corporations are paying, increased nearly 26 percent higher than the same time last year. The deficit is down. The expanding economy is good news for the budget, specifically the budget deficit.

This morning, the White House Office of Management and Budget released its annual midyear budget update. This year's budget deficit is now forecast to be \$296 billion, 30 percent below the administration's February forecast of \$423 billion, or 3.2 percent of gross domestic product. This deficit represents 2.3 percent of our economy, equal to the historical average. Progrowth policies, combined with ongoing efforts to restrain spending, continue to reduce the deficit and have put us on track to cut the deficit in half in 2008, a year ahead of the President's goal.

Jobs are growing. Last Friday, the Department of Labor reported that job growth continued for the 34th consecutive month in June. The economy has created about 1.85 million jobs over the past 12 months and more than 5.4 million since August of 2003. Similarly, the unemployment rate dropped from its peak of 6.3 percent in June of 2003 to 4.6 percent today. To put that in perspective domestically, at 4.6 percent, today's unemployment rate is lower than the average of the 1960s, 1970s, 1980s, and 1990s.

Let me repeat: Today's unemployment rate is lower than the average of the last four decades.

To put that in perspective globally, since 2004, the United States has created nearly twice the number of jobs as