

or down vote. Each day that passes without implementation of the remaining 9/11 Commission recommendations, the safety and security of our nation is at risk.

Tactics such as those you are contemplating, aimed at endangering the 9/11 bill, sends a signal to America that partisan politics is alive and well under your leadership. Both parties must work together to pass this critical legislation. We, the undersigned, understand the risk of failure all too well.

It is signed: "Respectfully," Carol Ashley, mother of Janice, who died, who is a member of Voices of September 11th; Beverly Eckert, widow of Sean Rooney, who is a member of Families of September 11; Mary Fetchet, mother of Brad, who died, who is founding director and president of Voices of September 11th; Carie Lemack, daughter of Judy Larocque, who died, who is cofounder and president of Families of September 11.

Mr. President, this is what the 9/11 families have said. The amendments lumped into one are not germane to the pending bill. That is without any question or debate. It is a collection of far-reaching immigration and criminal law provisions that have never been considered by the Judiciary Committee—never. Senator LEAHY said he would be happy to do that. They have never been considered.

These are complex matters which should not be considered on the Senate floor in this manner, especially on this very sensitive legislation. For example, one part of the amendment would overturn a recent Supreme Court decision. Now, remember, seven of the nine members of the Supreme Court are Republicans. They wrote the opinion. They want it overturned. Another part of the amendment would say visa revocations can never, ever be reviewed by any court.

The cloture motion was nothing more than an effort to delay passage of the 9/11 Commission bill. We need to move forward on this vital legislation.

I again ask everyone to listen to the words of the family members of those who perished on September 11. I have read those into the RECORD. We have, as I speak, these women and others who are watching what we do here today. I hope Senator LIEBERMAN and Senator COLLINS can go forward and complete this legislation without this. It is just absolutely hard to comprehend that this is what is being attempted on this bill.

I respectfully suggest, as they said in this letter, "It is inconceivable that anyone in good conscience would consider hindering implementation of the 9/11 Commission recommendations. . . ." That is what they said, not what I said. "Each day that passes without implementation of the . . . 9/11 Commission recommendations [risks] the safety and security of our nation. . . ." That is what they said, not what I said. "Tactics such as [these]," they write to Senator McCONNELL, " . . . are . . . aimed at endangering the 9/11 bill, [and it] sends a signal to America that [is inappropriate]."

## IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Sununu amendment No. 291 (to amendment No. 275), to ensure that the emergency communications and interoperability communications grant program does not exclude Internet protocol-based interoperable solutions.

Salazar/Lieberman modified amendment No. 290 (to amendment No. 275), to require a quadrennial homeland security review.

Dorgan/Conrad amendment No. 313 (to amendment No. 275), to require a report to Congress on the hunt for Osama bin Laden, Ayman al-Zawahiri, and the leadership of al-Qaida.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Landrieu amendment No. 296 (to amendment No. 275), to permit the cancellation of certain loans under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Landrieu modified amendment No. 295 (to amendment No. 275), to provide adequate funding for local governments harmed by Hurricane Katrina of 2005 or Hurricane Rita of 2005.

Allard amendment No. 272 (to amendment No. 275), to prevent the fraudulent use of social security account numbers by allowing the sharing of Social Security data among agencies of the United States for identity theft prevention and immigration enforcement purposes.

McConnell (for Sessions) amendment No. 305 (to amendment No. 275), to clarify the voluntary inherent authority of States to assist in the enforcement of the immigration laws of the United States and to require the Secretary of Homeland Security to provide information related to aliens found to have violated certain immigration laws to the National Crime Information Center.

McConnell (for Cornyn) amendment No. 310 (to amendment No. 275), to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States.

McConnell (for Cornyn) amendment No. 311 (to amendment No. 275), to provide for immigration injunction reform.

McConnell (for Cornyn) modified amendment No. 312 (to amendment No. 275), to prohibit the recruitment of persons to participate in terrorism, to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review, to strengthen the Federal Government's ability to detain dangerous criminal aliens, including murderers, rapists, and child molesters, until they can be removed from the United States, to prohibit the rewarding of suicide bombings and allow adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) modified amendment No. 317 (to amendment No. 275), to prohibit the rewarding of suicide bombings and allow

adequate punishments for terrorist murders, kidnappings, and sexual assaults.

McConnell (for Kyl) amendment No. 318 (to amendment No. 275), to protect classified information.

McConnell (for Kyl) amendment No. 319 (to amendment No. 275), to provide for relief from (a)(3)(B) immigration bars from the Hmong and other groups who do not pose a threat to the United States, to designate the Taliban as a terrorist organization for immigration purposes.

McConnell (for Kyl) amendment No. 320 (to amendment No. 275), to improve the Classified Information Procedures Act.

McConnell (for Grassley) amendment No. 300 (to amendment No. 275), to clarify the revocation of an alien's visa or other documentation is not subject to judicial review.

McConnell (for Grassley) amendment No. 309 (to amendment No. 275), to improve the prohibitions on money laundering.

Thune amendment No. 308 (to amendment No. 275), to expand and improve the Proliferation Security Initiative while protecting the national security interests of the United States.

Cardin amendment No. 326 (to amendment No. 275), to provide for a study of modification of area of jurisdiction of Office of National Capital Region Coordination.

Cardin amendment No. 327 (to amendment No. 275), to reform mutual aid agreements for the National Capital Region.

Cardin modified amendment No. 328 (to amendment No. 275), to require Amtrak contracts and leases involving the State of Maryland to be governed by the laws of the District of Columbia.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Sessions amendment No. 347 (to amendment No. 275), to express the sense of the Congress regarding the funding of Senate-approved construction of fencing and vehicle barriers along the southwest border of the United States.

Coburn amendment No. 301 (to amendment No. 275), to prohibit grant recipients under grant programs administered by the Department from expending funds until the Secretary has reported to Congress that risk assessments of all programs and activities have been performed and completed, improper payments have been estimated, and corrective action plans have been developed and reported as required under the Improper Payments Act of 2002 (31 U.S.C. 3321 note).

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the act.

Lieberman (for Menendez) amendment No. 354 (to amendment No. 275), to improve the security of cargo containers destined for the United States.

Specter amendment No. 286 (to amendment No. 275), to restore habeas corpus for those detained by the United States.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-

mining in order to exclude routine computer searches.

Ensign amendment No. 363 (to amendment No. 275), to establish a Law Enforcement Assistance Force in the Department of Homeland Security to facilitate the contributions of retired law enforcement officers during major disasters.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high hazard materials.

Biden amendment No. 384 (to amendment No. 275), to establish a Homeland Security and Neighborhood Safety Trust Fund and refocus Federal priorities toward securing the Homeland.

Bunning amendment No. 334 (to amendment No. 275), to amend title 49, United States Code, to modify the authorities relating to Federal flight deck officers.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high hazardous materials.

Schumer amendment No. 366 (to amendment No. 275), to restrict the authority of the Nuclear Regulatory Commission to issue a license authorizing the export to a recipient country of highly enriched uranium for medical isotope production.

Wyden amendment No. 348 (to amendment No. 275), to require that a redacted version of the Executive Summary of the Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, is made available to the public.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains under the current order?

The ACTING PRESIDENT pro tempore. Four and a half minutes is remaining before the vote.

Mr. CORNYN. Mr. President, the majority leader and I agree about one thing: Securing America ought to be about doing just that and not about politics. But, unfortunately, the majority has demonstrated its interest in rewarding unions by providing a provision for collective bargaining for the Transportation Security Administration in this bill which elevates the union rights of the Transportation Security Administration over the national security and safety of the American people.

So we should not be fooled by the rhetoric or the attempt of the majority leader to stand behind the 9/11 families. Unfortunately, I fear these 9/11 families are being manipulated for political purposes in order to justify promoting the union rights of Transportation Security Administration workers, which will hinder the safety and security of the flying public. This 9/11 bill should be about strengthening security, not about unions.

Mr. President, I have another letter from 9/11 Families for a Secure America to Senator MCCONNELL, which I ask unanimous consent be printed in the RECORD after my comments.

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

(See exhibit 1.)

Mr. CORNYN. Mr. President, this letter says:

On behalf of 9/11 Families for a Secure America, an organization representing the families of 300 victims of the 9/11 attacks, we would like to thank you for your recent efforts to ensure and enhance America's security.

This letter goes on and will be part of the RECORD.

But I simply do not understand why the majority leader objects to our ability to have an up-or-down vote on whether dangerous criminal aliens who are currently being released into the population—because under a 2001 Supreme Court decision, they cannot be held more than 6 months pending deportation—why he would object to an up-or-down vote on that amendment.

We started off this year with the majority leader and those in the new majority saying they wanted to work with Republicans in a bipartisan way to try to do what was important for the American people. Nothing is more important than the safety and security of the American people. But why, 6 years after this 2001 Supreme Court decision, the majority insists on allowing this condition to exist, where dangerous criminal aliens are released into the American population to commit additional crimes, is beyond me. That is not about safety and security.

Frankly, the comments I heard this morning which say that somehow this is being politicized are just not correct. If anything, the majority has demonstrated that their desire to promote union rights as a reward for political support in the last election dominates their thinking on this bill. It is unfortunate.

I hope that if, indeed, that provision, which I do believe in all sincerity will impair the safety and security of the American people, is included in this bill once it is taken to conference, I hope the President follows through on his promise to veto the bill because it will not elevate but, rather, it will diminish the safety and security of the American people.

So I regret, Mr. President, that the majority leader has obstructed the ability of the U.S. Senate to have a full

and fair debate on these important national security amendments. Frankly, the reasons for not allowing that just do not stand up to scrutiny.

I yield the floor.

EXHIBIT 1

9/11 FAMILIES FOR A  
SECURE AMERICA,  
March 8, 2007.

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
Washington, DC.

DEAR SENATOR MCCONNELL: On behalf of 9/11 Families for a Secure America, an organization representing the families of 300 victims of the 9/11 attacks, we would like to thank you for your recent efforts to ensure and enhance America's security.

As the parents of two men who lost their lives in the World Trade Center attacks, we take the recommendations of the 9/11 Commission more seriously than most. When President Bush threatened to veto the 9/11 bill over a provision related to airport security screeners, we were pleased by your efforts to strip the provision to ensure a presidential signature.

We also appreciate your recent efforts to implement a number of new policies aimed at closing dangerous loopholes in existing security law. We represent an organization that advocates strengthening our borders as a way of improving national security, and your proposals would do just that. As you know, current law prevents us from holding dangerous illegal immigrants and from deporting anyone whose visa has been revoked for terrorist-related reasons. These loopholes must be closed.

Those who would use the 9/11 bill as a vehicle for political patronage and stall its passage in the process do not have America's security interests at heart. Nor do those who would block a vote on measures aimed at securing our borders by screening those who come here illegally. Thank you for keeping faith with those of us who have made the security of this country a real priority. Your efforts are greatly appreciated.

Yours sincerely,

JOAN MOLINARO,  
Treasurer, 9/11 Families for a Secure America,  
Mother of Carl Molinaro, FDNY.  
PETER GADIEL,  
President, 9/11 FSA, Father of James Gadiel,  
WTC North Tower 103rd floor.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on pending amendment No. 312, as modified, to amendment No. 275 to Calendar No. 57, S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

John Cornyn, Jon Kyl, Mike Crapo, John Ensign, Saxby Chambliss, Judd Gregg, Richard Burr, Jim Bunning, Sam Brownback, Mitch McConnell, Craig Thomas, Tom Coburn, Wayne Allard, Jim DeMint, John Thune, Pat Roberts, Lindsey Graham.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 312, as modified, offered by Mr. McCONNELL of Kentucky, to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission more effectively, to improve homeland security, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 68 Leg.]

#### YEAS—46

Alexander	Dole	Murkowski
Allard	Domenici	Roberts
Bayh	Ensign	Sessions
Bennett	Enzi	Shelby
Bond	Graham	Smith
Bunning	Grassley	Snowe
Chambliss	Gregg	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thomas
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McConnell	

#### NAYS—49

Akaka	Hagel	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Byrd	Kohl	Rockefeller
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Conrad	Lincoln	Webb
Dorgan	McCaskey	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	
Feinstein	Murray	

#### NOT VOTING—5

Brownback	Dodd	McCain
Burr	Johnson	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. DURBIN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the Chair lays be-

fore the Senate the following cloture motion which the clerk will report.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on the Reid substitute amendment No. 275 to S. 4, the 9/11 Commission legislation.

Joe Lieberman, Charles Schumer, Robert Menendez, Patty Murray, Dianne Feinstein, B.A. Mikulski, Christopher Dodd, Joe Biden, Debbie Stabenow, Harry Reid, Pat Leahy, Dick Durbin, Jeff Bingaman, H.R. Clinton, Bill Nelson, Tom Carper, Jack Reed.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 275, offered by Mr. REID of Nevada, to S. 4, a bill to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 26, as follows:

[Rollcall Vote No. 69 Leg.]

#### YEAS—69

Akaka	Durbin	Murkowski
Alexander	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Bennett	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Bond	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Stabenow
Clinton	Lincoln	Stevens
Coleman	Lott	Tester
Collins	Lugar	Thune
Conrad	Martinez	Voinovich
Corker	McCaskey	Warner
Dole	McConnell	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden

#### NAYS—26

Allard	Ensign	Kyl
Bunning	Enzi	Roberts
Chambliss	Graham	Sessions
Coburn	Grassley	Shelby
Cochran	Gregg	Specter
Cornyn	Hatch	Sununu
Craig	Hutchison	Thomas
Crapo	Inhofe	Vitter
DeMint	Isakson	

#### NOT VOTING—5

Brownback	Dodd	McCain
Burr	Johnson	

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 69, the nays are 26. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the cloture motion on the bill be vitiated; that the bill be read a third time, and a vote occur on final passage on Tuesday, March 13, immediately upon the disposition of the substitute amendment; that when the Senate convenes on Tuesday, March 13, and resumes consideration of the bill, all time under cloture be considered expired and the Senate immediately begin voting on those pending germane amendments; further, that during Monday's legislative session, the provisions of rule XXII shall not bar a motion to proceed made by the majority leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. COLLINS. Mr. President, I think this is a fair agreement that will allow us to finish the bill on Tuesday, and I have no objection.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. LIEBERMAN. Mr. President, this means that there will be no further rollcall votes today, there will be no rollcall votes on Monday, and we would resume voting on the germane amendments on Tuesday morning next week.

Our staffs will continue to be available to negotiate with our colleagues on a consent list of amendments that are agreed to by all concerned. In fact, we have a list now approaching 20 amendments where there is such agreement, but there are one or two individual Senators concerned that their amendments are not on that list and they are objecting to the overall consent. We hope very much that can be worked out and we can, in any case, move to final passage next Tuesday.

Mr. President, I briefly wish to thank my ranking member, Senator COLLINS, for her extraordinary contribution to this bill and her cooperation. As you know, we have had many ups and downs about the many amendments, agreements, objections, et cetera, but I am very pleased to say that the bill, as it came out of our committee, was non-partisan, with a 16-to-0 vote, and one abstention, thus remaining essentially intact. That is the good news.

I hope some of the amendments that have been agreed to by almost everybody on both sides can be added to make the bill even stronger as we go to conference.

I thank our colleagues for their contributions and for some good debate.

This is a subject of urgent importance to the American people. It is completing the unfinished work that the 9/11 Commission gave us, it is building on all we accomplished in the 9/11 legislation of 2004, and it will, in a very direct way, make the American people safer both from potential terrorist attack and from the inevitable natural disasters, such as Hurricane Katrina.

I thank my colleagues, and I yield the floor to my ranking member at this time.

Ms. COLLINS. Mr. President, this is a very important bill. Many of the recommendations of the 9/11 Commission were enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, which the distinguished Senator from Connecticut and I have worked so hard to author. But there is some unfinished business, and this bill will help make our country safer and it will strengthen our protections against terrorist attacks.

As always, it has been a great pleasure to work with the Senator from Connecticut, whose leadership I so admire. I am optimistic we have now finally put this important bill on a path to completion, and I look forward to working to accomplish that goal on Tuesday.

I thank the Chair.

Ms. LANDRIEU. Mr. President, reserving the right to object, though I am not sure if that motion has gone through, I wanted to ask the leaders, who have managed this bill so well, if they are familiar with amendment Nos. 295 and 296, relative to very urgent requests by the Gulf Coast States, one for loan forgiveness and one for the 10-percent waiver? Are the two leaders willing to say they are both supportive of these amendments and will continue to try over the weekend to get both these amendments up by unanimous consent?

Mr. LIEBERMAN. Mr. President, I say to the Senator from Louisiana, the amendment on loan forgiveness is on the consent list. As the Senator knows, for reasons that are certainly perplexing to me, most everybody here seems to agree on the 10-percent forgiveness for the gulf coast based on Hurricane Katrina because of the extraordinary economic impact the storm had on both governments and people and businesses in the gulf coast. There is very broad support, but there continue to be objections, as the Senator knows. I regret that, and I hope we can find a way to overcome those between now and next Tuesday.

The Senator from Louisiana also knows there is an amendment on levees that is germane, and that will be one of the amendments that is up either for a vote or passage by consent on Tuesday because it remains relevant and germane after cloture.

Ms. LANDRIEU. I thank the Senator for his support.

Ms. COLLINS. Mr. President, if the Senator from Louisiana will yield so I may respond to her question.

Ms. LANDRIEU. I yield.

Ms. COLLINS. The Senator from Louisiana has been tireless in her advocacy for both of these amendments. The junior Senator from Louisiana has also talked to me about these amendments, as has the Senator from Florida, Mr. MARTINEZ. I have been working hard with the chairman to try to address the concerns of the Senators from Louisiana.

As the chairman has indicated, there is good news on one of the Senator's amendments. The amendment that proposes the loan forgiveness authority for the President is on the list of amendments we are optimistic about clearing on Tuesday. The other amendment, with the 10-percent match eliminated, is more problematic because there are some outstanding objections to it.

I know the Senator from Louisiana has indicated a willingness to amend her amendment and put a 2-year sunset on that provision. That helps a great deal with one of the objections we have on our side of the aisle. I don't know whether we are going to be able to clear the other objections, but I certainly pledge to keep working with the Senator from Louisiana and the committee's chairman to accomplish that goal.

Ms. LANDRIEU. I thank the Senator.

Mr. LIEBERMAN. Mr. President, I thank all our colleagues, and 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. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

#### TRADE POLICY

Mr. BROWN. Mr. President, last November, voters in my State of Ohio spoke out for change. Their call echoed across this country, as middle-class, working, and low-income families claimed ownership of their Government.

For too long, our Government betrayed their values. The drug companies wrote the Medicare law, the oil companies dictated energy policy, and large multinational corporations pushed job-killing trade agreements through the House and the Senate.

In my home State of Ohio, trade in particular was the focus for change in last year's election. Years of job-killing trade agreements are taking their toll on workers and small businesses alike. Two years ago, the largest ever bipartisan fair trade coalition was formed to oppose the Central American Free Trade Agreement—the dysfunctional cousin of the fundamentally

flawed North American Free Trade Agreement.

Forced through the House in the middle of the night by one vote, CAFTA did not pass on its merits. So flawed is CAFTA that to this day, nearly 2 years later, it has still not been fully implemented.

The question is not if we trade but how we trade and who benefits from trade. Unfettered free trade has afforded multinational corporations and morally bankrupt countries windfall profits on the backs of often slave, sweatshop, or even child labor. Proponents of unfettered free trade use words such as “protectionism” to hide their shameful practices, to mask agreements that trade in human suffering and economic destruction, and to simply try to push away their opponents' arguments.

I am pleased to say this Congress is not only committed to build on the efforts of the fair trade coalition, we are already at work changing trade policy. Earlier this year, Senator DORGAN, Senator GRAHAM, and I introduced legislation that would ban sweatshop labor. We shed light on the injustice of allowing China to enjoy permanent normal trade relations in the WTO while allowing the degradation of environmental and labor standards on massive scales.

In the coming months, Congress will debate fast-track negotiations due to expire this summer. It is clear this administration has little desire—has little desire—to change direction on trade, so it is up to Congress to chart a new course for the future of U.S. trade policy.

Fair trade is not just about doing the right thing for small business, doing the right thing for manufacturing, doing the right thing for workers; it means investing in entire communities.

Our middle class is shrinking. Our policies in Washington have betrayed the values of working families across this country—in Ohio and Rhode Island, all over this country—which is why we must revamp our economic trade policies and invest in our middle class. We must shrink income inequality, grow our business community, and create good-paying jobs. We must establish trade policy that builds on our economic security.

Job loss does not just affect the worker who has lost her job or that worker's family. Job loss, especially job loss in the thousands, devastates communities. It hurts the local business owner—the drugstore, the grocery store, the neighborhood restaurant. When people are out of work, they cannot support their local economy, which forces owners to close their small businesses. That means lost revenues to the community, which hurts schools, fire departments, and police departments.

The trade policies we set here and negotiated across the globe have a direct impact on places such as Toledo and

Steubenville and Cleveland and Middletown. We hear the word "protectionist" thrown around by those who insist on more of the same failed trade models. It is considered "protectionist" by them when they characterize those of us who are fighting for labor and environmental standards, but they call it "free trade" to protect drug company patents and Hollywood films.

If we can protect intellectual property rights, as we should, with enforceable provisions in trade agreements, we absolutely can do the same for labor, the environment, and food safety.

In my home State of Ohio, we have a talented and hard-working labor force and an entrepreneurial spirit that needs only the investment dollars and commitment from Government to realize their economic potential.

Oberlin College, near Cleveland, has the largest building on any university campus in the United States fully powered by solar energy. However, Oberlin College had to buy the solar panels for their building from Germany and Japan because we do not make enough solar panels in the United States.

Through investment in alternative energy, and through biomedical research and development, we cannot only create jobs, we can grow small business, we can help our environment.

Now is the time for our Government to do its part and redirect our priorities from favoring the wealthiest 1 percent in our Nation to, instead, growing our Nation's middle class. It is not a matter of if we revamp our trade policy but when we do it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

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

The Senator from Tennessee is recognized.

Mr. ALEXANDER. I thank the Chair. (The remarks of Mr. ALEXANDER pertaining to the introduction of S. 835 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALEXANDER. Mr. President, I thank the Senator from North Dakota for his courtesy. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

TRADE

Mr. DORGAN. Mr. President, I believe this morning President Bush is in Brazil. A week ago today, I and a number of Senators met with the President at the White House. The issue of the Brazil trip came up. He no doubt will

talk to the Brazilians about trade this morning. As he discusses the issue of trade, I wanted to make a couple of comments.

Today we had a new trade deficit figure released, about 3 hours ago. It shows our merchandise trade deficit in the past month was \$66 billion—in 1 month. I wanted to come to the floor to show what is happening to this country's trade. The reason I want to show the results of our trade policy is we now have proposals in front of us for free trade agreements. We have Colombia, Peru, negotiations with South Korea, Thailand, and others. We have been through a period when there has been this mantra, this chant, as it is, about free trade.

This chart shows what is happening to trade. In 1995, 12 years ago, we had a \$174 billion trade deficit. Now it is \$836 billion. Think of that: Every single day we wake up in this country, we import over \$2 billion more in goods from overseas than we are able to sell abroad. It doesn't matter what the good is, much, and it doesn't matter what the country is.

I have been here with charts that show, for example, to cite one, last year we had automobiles put on ships in South Korea. Mr. President, over 700,000 automobiles were put on ships in South Korea and sent to America and sold in the United States—700,000 South Korean automobiles. How many American automobiles do you think we sold in Korea, Mr. President, 700,000? No, no—about 4,000. Fair trade? Hardly. Ninety-nine percent of the cars on the streets of South Korea are South Korean cars. Why? Because they don't want foreign cars sold in South Korea. They want to produce cars with jobs in South Korea and ship them to the United States.

Should we allow that kind of one-way trade—700,000 going one way, 4,000 plus going the other way—to continue? I don't think so.

Let me talk a little about the general area of trade. I want to put up a picture of a young girl named Halima. This is a beautiful 11-year-old girl. When I showed the chart of the \$836 billion trade deficit last year, over \$2 billion a day—well over \$2 billion a day—the result of that statistic is American jobs being shipped overseas, products being produced overseas, in many cases with dirt-cheap labor, sent to a big box retailer in this country to be sold at a lower price. That is true, a lower price, so the American consumer gets a better price on a 12-pack of underwear or a gallon of mustard someplace. But what is the consequence of that to our economy, to our jobs? What ultimately is the consequence for our country? I frame all this in the context of the President saying: Let's do more, let's do more of this.

It seems to me if we do much more of that, we won't have much of an economy left. At what point do we think a trade deficit matters? This isn't money we owe to ourselves. One can make

that case in fiscal policy with the budget deficit. This is money we owe to other countries, over \$1 trillion of which we now owe to the Japanese and the Chinese. But what are the consequences?

I mentioned lost American jobs. Where do these jobs go? Who is producing what is sent to our country?

This beautiful young lady is named Halima. She worked at a factory in Bangladesh at age 11, and she made Hanes underwear. She worked long hours, very low pay, in sweatshop conditions.

One would think if this is a world market in which we care about the circumstances of people working in sweatshop conditions, we would take a look at something such as this and say: Wait a second, we don't want to buy Hanes underwear made with the hands of an 11-year-old working in sweatshop conditions.

Let me show my colleagues a certification of this plant in which Halima worked. "Certificate of Compliance, February 21, 2007." It is hereby awarded to Harvest Rich Ltd., worldwide responsible apparel production. So they certified this company was doing just fine with international standards. An 11-year-old producing in sweatshop conditions, sending underwear to Americans? That is fine? I don't think so. So is this just an aberration? This just happens on the very unusual case, and I just happened to find the picture of Halima?

Let me tell you how this picture came about. This picture came from a woman named Sheik Nazma. She was a former child laborer in Bangladesh. She was forced to start working in the textile mills at age 12—a sweatshop—and she described the conditions. She organized her coworkers for better conditions, saying: Let us, as a group of workers, organize to see if we can get better conditions. For that, she was beaten and threatened to death for organizing workers.

Is that an aberration? No, not really. I can give you the names today of people sitting in prisons in China. Their transgression? Their crime? They tried to organize workers for better conditions, tried to organize workers to insist on backpay they were owed. For that, they are sitting in prison cells in China because you can't organize workers in China.

What is happening with respect to these trade issues is we are sinking deep into this abyss of worsening trade debt. I know what the papers will say tomorrow—that \$66 billion, the last monthly merchandise trade deficit, is about a billion dollars or so less than the previous month, and the newspapers will say: Nirvana. What a wonderful thing—our trade deficit is shrinking. These, of course, are the same newspapers that beat to death this chant of free trade. There is not enough of this free trade for them; the more the merrier. My only question about all of this is, When do you suggest that this represents failure? Is

there never an opportunity to suggest that we need a change in trade strategy, a change that stands up for what we have built in a century in this country?

Let me describe what it is we have built in this century. A man name James Fyler was shot in 1914. The previous accounts of his death say he died of lead poisoning actually, but he was shot 54 times. Do you know why he was shot and lost his life? Because he believed that people who went underground to dig in the coal mines ought to be entitled to two things: No. 1, a safe workplace, and No. 2, a fair wage. For that, he was murdered.

In a century, from James Fyler forward, we had people who gave their lives and risked their lives to improve standards in this country, to insist on the right to organize, to insist on safe workplaces, to insist on a fair wage, and to insist on fair labor standards. It was tough. There were people beaten in the streets for it. There were people shot for insisting that we develop and lift those standards. But we did. We did. We expanded and created a middle class almost unparalleled in the world, which became the economic strength of this country. Working people understood they could get a good job, get some training, have a job that had a career ladder, an opportunity for a decent wage, an opportunity for benefits, and an opportunity to take care of their families. There is no social program in this Chamber that is as important as a good job that pays well for able-bodied workers. It is what allows everything else to work.

So we did that for a century, and we expanded opportunities. Now, all of a sudden, we are told it is a new day because of the global economy. In fact, Tom Friedman wrote a book saying that not only is it a new day, but the world is flat. I have yet to see the globe that represents that. When you go to most offices or libraries and you see a globe of the Earth, it appears round to me. Of course, I only graduated from a high school senior class of nine students, so maybe I missed a part of the lesson. So now we have books that say the world is flat, which, of course, is nonsense because it is not flat.

It is a global economy. What does that mean? What is the definition of what a global economy means for us and for our future? It means, according to some, that we ought to be able to understand that comparative advantage means you produce products where you can produce them at the least cost and then purchase them here and it is good for the consumer. The result is corporate executives flying around the world deciding where they can produce for the least cost.

How many of my colleagues remember Radio Flyer's little red wagon, which was an American product for 110 years, a Chicago company—the little red wagon we have all ridden in? It was named "Radio Flyer" because the inventor loved Marconi and he loved to

fly, so he named his product "Radio Flyer," and his company built it in Chicago for 110 years. Not anymore. It is just gone. It is now built in China. Do you think that is because the Chinese build better little red wagons? No, not at all. It is because you can find somebody who will work for 30 cents an hour, and you can work them 7 days a week, 12 to 14 hours a day, and you can build a cheaper little red wagon.

Similarly, you can do the same with Huffy bicycles and then eliminate all their jobs. You can do the same with Pennsylvania House furniture. In fact, with Pennsylvania House furniture, you can send the Pennsylvania wood to China. You can get rid of all the workers in Pennsylvania, send the Pennsylvania wood to China, and have them put it together and ship it back here, and that is exactly what has happened.

About 3½ to 4 million jobs have now migrated to where you can pay pennies an hour and then ship the product back to our country. That is about enhancing corporate profits, but I think it is at the expense of our economic future.

The former Vice Chairman of the Federal Reserve Board, Alan Blinder, a mainstream economist, said this: There are 42 to 56 million American jobs that are tradeable, meaning outsourceable. Not all of them will leave our country, but even those that stay are competing with others in the world who will work for lower wages. Therefore, there will be downward pressure on American wages for working Americans.

We see it every day. Open the newspaper and see how many people are losing their health care benefits, their retirement benefits, and the downward pressure on income. We see it every day. It is part of a strategy that says free trade, a global economy, produce where it is cheap, and sell to a marketplace like this.

My point is that it doesn't add up in the long run. I am for trade. I am in favor of trade, and plenty of it, but I insist and demand that it be fair trade for this country that attempts to lift, not depress standards. I am very interested in engaging with the rest of the world. I am not an isolationist, I am not a protectionist, as they define it, although I want to plead guilty quickly to wanting to protect our country's economic interests. If that is being a protectionist, then just sign me up. I want to protect our country's economic interests. We will only do that, and we will do it well, if we understand the need to retain a broad middle class, a middle class that sees jobs here that pay well, with benefits and opportunities in the future.

So how do we reconcile all of this? What will happen in the coming several months is—and I believe Senator SHERROD BROWN spoke about this earlier today—what will happen in the coming months is we will be requested to debate an extension of something called fast-track authority. Fast-track authority. They are going to want to

run through fast-track authority trade agreements with, yes, South Korea and Thailand and Peru and Colombia and many others. The same people who have given us this want to give us more of it, a deep canyon of red ink, downward pressure on American incomes, and substantial pressure on the movement of American jobs.

Interestingly enough, we not only move American jobs overseas, we actually decide, for those who do it, that we will give them a big fat tax break. One of the most pernicious, ignorant pieces of public policy I can conceive of is when we said: Fire your American workers, close your American plants, move your jobs to China, sell your products back in America, run your income through the Cayman Islands, and we will give you a big fat tax break for it.

Four times we have voted on eliminating that tax break, four times I have offered amendments to shut it down, and four times I have lost. Mark my words—we will be voting again and again on that proposition. The very last thing we ought to do as a country is decide we want to subsidize the flight of American jobs.

We just introduced a piece of legislation that would deal with the issue of sweatshop labor in other countries. What are the standards of this so-called global trade in a flat world? Well, at least there is one standard. The one standard is that you can't sell tube socks from a prison in China at a big-box retailer in America. Why is that? Because it is presumed that if you make tube socks or shorts or whatever you make in a prison setting, then that truly is the ultimate sweatshop labor, I guess. So you can't send prison labor products to our marketplace.

Well, if we all agree with that, and we do, because we already have a provision on that, what about the next step up? What about the product of an 11-year-old girl? What about the product of a company that hires an 11-year-old girl named Halima and works her in sweatshop conditions?

Should we decide as a country that you cannot produce products in sweatshop conditions that abuse workers abroad and send the products here—which, by the way, then asks American workers working in plants in the United States to compete with that sweatshop labor. It not only abuses foreign workers, it also abuses domestic workers because we are saying: Compete with something that is completely unsavory. If this happened in our country, we would march down the street with law enforcement and say: Shut this down.

We have heard the stories. I think my colleague, Senator HARKIN, had hearings some several years ago about this with the international labor organizations—young kids in carpet factories having their fingertips burned with sulfur. They put sulfur on the fingertips, then light them on fire. Do you know why? They create scars on the



fingertips so that as they use needles to sew the rugs, two things occur: They don't hurt themselves because they have scars from having had their fingertips burned and, second, they won't get blood on the carpets. Is this something we should accept? No, I don't think so. Is it something we should care about? You are darn right we should. But almost nothing—almost nothing—is acceptable to discuss in this mantra of free trade without being called a protectionist.

Here is what I think is going to happen. In the last election here in this country, I think there were 6 or 8 or 10 Senate races in which the winning candidate said: You know what, we are on the wrong track here. It is not that we shouldn't trade. We should trade. The origin of this great country was the shrewd Yankee trader. We were the traders, good traders, and so we should trade. But we shouldn't decide that this kind of a trade deficit can continue. It simply cannot.

Let me pull up the chart with China. The largest trade deficit we have is with the country of China, with \$232 billion last year alone. That is unbelievable.

I have mentioned before that part of our problem is just incompetent trade agreements, just fundamentally incompetent, and I will give an example of one.

I have threatened from time to time that trade negotiators should wear uniforms, like the jerseys they wear in the Olympics, so they can look down from time to time and, in a sober moment, they can see for whom they are working. It would say "U.S.A."

China. We did a bilateral agreement with China, a country with which we have a very large trade deficit—a very large deficit and growing. It is a country that is also developing a new automobile export industry, and they want to export automobiles aggressively to the United States. Here is what we said: If you export Chinese automobiles to the United States, we will impose a 2.5-percent tariff on your cars, but if we export American automobiles to be sold in China, China can impose a 25-percent tariff. We negotiated with China a deal that said: On a bilateral automobile trade, you ship a car to us and we will impose a 2.5-percent tariff, and if we ship a car to you, you can impose a tariff that is 10 times higher, and that is just fine. I am saying that is ignorant. That is ignorant of our economic interest.

One little piece of information. Most people don't know it, but you can rip open the intestines of these trade agreements and find case after case where we have traded away our own economic interests.

We are going to be confronting now, in the next 4 or 5 months, some very tough choices—not so tough for me but perhaps for some—choices about what do we do about fast-track trade authority. That is a mechanism by which the Senate decides in advance that when a

trade agreement comes here that has been negotiated in secret, behind closed doors, with no participation of any of us, it comes here under an expedited procedure with no opportunity for anyone to make any change of any type. I don't support that.

What has happened with China and the world is the deepening abyss of red ink, and what has resulted from the strategy that comes from fast track is expedited procedures and a straight-jacket for the Senate. It has come from incompetent agreements. It has come from lack of enforcement. In fact, our trade authorities cannot even find some of the agreements they have previously negotiated. They can't even find them, let alone enforce them.

I haven't talked here about the number of people who are working in our Government to enforce our trade agreements with China. It is fewer than 20. Enforcement is just the backwater of trade. Nobody wants to enforce anything. It doesn't matter. Yet, in my judgment, it does matter to this country's economic future.

What are we going to do about fast track and the extension for fast track that President Bush is requesting? I did not support fast-track trade authority for President Clinton, and I do not support it for President Bush, although President Bush has had it now for some while. But I think there is a new group of Senators who will have to sink their teeth into this discussion. What does this mean? What does this expedited procedure, fast-track strait-jacket, mean? What does it mean when we do bilateral negotiations, so-called free-trade negotiations, with the countries I previously described, and how do we resolve them? How do we deal with them?

Many of my colleagues, myself included, believe when we negotiate trade agreements we should do so with an eye on what we have created and built in this country, lifting up standards for almost a century now. We should have labor provisions in the trade agreements. We should have environmental provisions in the trade agreements. We should have a shock absorber for currency fluctuation in the trade agreements. Some say that is radical. It is not radical. I will show you what is radical. It is the sheet that shows the combined trade deficit with the world. When you talk about what is radical, this is radical: the trade strategy that gives us this is radical. The trade strategy that gives us this morning's merchandise trade deficit of \$66 billion, that is what is radical.

There is an old saying: If you don't care where you are, you are never going to be lost. You know, we have gone on here for some long while with people apparently not caring, but it is time for our country to care. There is only one United States on this planet. If you spin this globe and try to find another equivalent place, with democracy and a market system that have come together to create opportunity

for so many—there is only one place. But we are quickly losing it with this "the world is flat" approach, with free-trade agreements that tend to put downward pressure on wages in this country and strip away benefits and decide in this new market system that comparative advantage is not just who has the best natural resources to produce what product, but who has decided to have rules in their country that prohibit workers from organizing, that allow sweatshops to operate, that allows 11-year-old kids in carpet factories.

That is not comparative advantage. Ricardo would roll over in his grave. It has nothing to do with comparative advantage. We have to confront these issues, the sooner the better, and there is no question we will begin to confront them in this year, perhaps in the next 4 or 5 months. The way we confront them and the decisions we make will have a profound impact on what kind of a country we have and what kind of economy we have in the coming years. That is why it is so important.

I wanted to make a couple of comments today by pointing out that we are now confronted with choices, and those choices, I assume, will be imposed upon us in a very short period of time. I look forward to new voices in the Senate weighing in on these important issues. Not in a way that suggests we are not a part of the world economy, we are a significant part of the world economy; not in a way that suggests the world has not gotten smaller, it has. The world is not flat, but the world certainly is smaller.

We are engaged in this information technology revolution. If something happens almost anywhere in the world, I will know about it 5 minutes later, and we will see pictures of it in a half hour or less. So things have changed. But what has not changed is our need and desire as Americans to look after the well-being of our economy and the opportunities that can exist for our citizens.

That is not being selfish. That is our responsibility. We are stewards of this country's future, and that stewardship, in my judgment, is vastly compromised by this chart and what has happened with the shipping of American jobs overseas, with the decision that cheaper prices at home for products produced elsewhere for pennies an hour represent fair competition for American workers. It is not fair competition, and we do desperately need, now, a new trade strategy, one that reflects the economic interests of this country but one that still insists on being a significant part of the world economy even as we try to lift others up without pushing our standards down.

AMENDMENT NO. 286

Mr. LEAHY. Mr. President, I was pleased to join Senator SPECTER and Senator DODD in offering an amendment to restore the Great Writ of habeas corpus, a cornerstone of American liberty since the founding of this Nation. Senator SPECTER and I introduced

this legislation late last year and re-introduced it on the first day of this new Congress. This amendment continues our efforts to amend last year's Military Commissions Act, to right a wrong and to restore a basic protection to American law. This is an issue on which we continue to work together and urge Senators on both sides of the aisle to join with us.

As Justice Scalia wrote in the *Hamdi* case: "The very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the Executive." The remedy that secures that most basic of freedoms is habeas corpus. It provides a check against arbitrary detentions and constitutional violations. It guarantees an opportunity to go to court, with the aid of a lawyer, to prove one's innocence. This fundamental protection was rolled back in an unprecedented and unnecessary way in the run up to last fall's election by passage of the Military Commissions Act.

The Military Commissions Act eliminated that right, permanently, for any noncitizen determined to be an enemy combatant, or even "awaiting" such a determination. That includes the approximately 12 million lawful permanent residents in the United States today, people who work and pay taxes in America and are lawful residents. This new law means that any of these people can be detained, forever, without any ability to challenge their detention in Federal court—or anywhere else—simply on the Government's say-so that they are awaiting determination whether they are enemy combatants.

I deeply regret that Senator SPECTER and I were unsuccessful in our efforts to stop this injustice when the President and the Republican leadership insisted on rushing the Military Commissions Act through Congress in the weeks before the recent elections. We proposed an amendment that would have removed the habeas-stripping provision from the Military Commissions Act. We fell just three votes short in those politically charged days. It is my hope that the new Senate and new Congress will reconsider this matter, restore this fundamental protection and revitalize our tradition of checks and balances.

This amendment to the 9/11 Commission bill provides the right time and the place for the Senate to make this stand. The 9/11 Commission bill seeks to make us stronger and to protect us from the threat of terrorism. Protecting our values and the safeguards that make us a strong democracy is key to that effort. Restoring our place as an example to the world of liberty and the rule of law will only increase our security and undermine those who would seek to recruit terrorists.

Giving the Government such raw, unfettered power as the Military Commissions Act did should concern every American. Last fall, I spelled out a

nightmare scenario about a hard-working legal permanent resident who makes an innocent donation to, among other charities, a Muslim charity that the Government secretly suspects might be a source of funding for critics of the United States Government. I suggested that, on the basis of this donation and perhaps a report of "suspicious behavior" from an overzealous neighbor, the permanent resident could be brought in for questioning, denied a lawyer, confined, and even tortured. Such a person would have no recourse in the courts for years, for decades, forever.

Many people viewed this kind of nightmare scenario as fanciful, just the rhetoric of a politician. It was not. It is all spelled out clearly in the language of the law that this body passed. In November, the scenario I spelled out was confirmed by the Department of Justice itself in a legal brief submitted in a Federal court in Virginia. The Justice Department, in a brief to dismiss a detainee's habeas case, said that the Military Commissions Act allows the Government to detain any non-citizen designated an enemy combatant without giving that person any ability to challenge his detention in court. This is true, the Justice Department said, even for someone arrested and imprisoned in the United States. The *Washington Post* wrote that the brief "raises the possibility that any of the millions of immigrants living in the United States could be subject to indefinite detention if they are accused of ties to terrorist groups."

In fact, the situation is even more stark than *The Washington Post* story suggested. The Justice Department's brief says that the Government can detain any noncitizen declared to be an enemy combatant. But the law this Congress passed says the Government need not even make that declaration: They can hold people indefinitely who are awaiting determination whether or not they are enemy combatants.

It gets worse. Republican leaders in the Senate followed the White House's lead and greatly expanded the definition of "enemy combatants" in the dark of night in the final days before the bill's passage, so that enemy combatants need not be soldiers on any battlefield. They can be people who donate small amounts of money, or people that any group of decision-makers selected by the President decides to call enemy combatants. The possibilities are chilling.

We have eliminated basic legal and human rights for the 12 million lawful permanent residents who live and work among us, to say nothing of the millions of other legal immigrants and visitors who we welcome to our shores each year. We have removed a vital check that our legal system provides against the Government arbitrarily detaining people for life without charge. We may well have also made many of our remaining limits against torture and cruel and inhuman treatment obso-

lete because they are unenforceable. We have removed the mechanism the Constitution provides to check Government overreaching and lawlessness.

This is wrong. It is unconstitutional. It is un-American. It is designed to ensure that the Bush-Cheney administration will never again be embarrassed by a United States Supreme Court decision reviewing its unlawful abuses of power. The conservative Supreme Court, with seven of its nine members appointed by Republican Presidents, has been the only check on this administration's lawlessness. Certainly the last Congress did not do it. With passage of the Military Commissions Act, the Republican Congress completed the job of eviscerating its role as a check and balance on the administration.

Some Senators uneasy about the Military Commissions Act's disastrous habeas provision took solace in the thought that it would be struck down by the courts. Instead, the first court to consider that provision, a Federal court in the District of Columbia, upheld the provision. The DC Circuit, in a sharply divided 2-1 decision, upheld that ruling, holding that at least the hundreds of detainees held in Guantanamo Bay cannot go to court to challenge their detention. We should not outsource our moral, legal and constitutional responsibility to the courts. We cannot count on the courts to fix our mistakes. Congress must be accountable for its actions, and we should act to right this wrong.

Following the DC Circuit's decision, newspapers and experts from across the country and across the political spectrum have called on Congress to take action. Editorial boards from the *Washington Post* and the *New York Times* to the *Evansville Courier & Press* in Indiana, and the *Columbia Tribune* in Missouri have called for reversing the MCA's habeas provision. Prominent conservatives like Bob Barr and Bruce Fein, along with Alberto Mora, former Navy General Counsel in the Bush Administration, have echoed this call. I ask that a selection of these editorials be placed in the record.

A group of four distinguished admirals and generals who have served as senior military lawyers argued passionately for fixing this problem in a letter they sent to me earlier this week. They wrote, "In discarding habeas corpus, we are jettisoning one of the core principles of our Nation precisely when we should be showcasing to the world our respect for the rule of law and basic rights. These are the characteristics that make our nation great. These are the values our men and women in uniform are fighting to preserve."

Abolishing habeas corpus for anyone who the Government thinks might have assisted enemies of the United States is unnecessary and morally wrong. It is a betrayal of the most basic values of freedom for which America stands. It makes a mockery of the administration's lofty rhetoric about exporting freedom across the globe.



We should take steps to ensure that our enemies can be brought to justice efficiently and quickly. I introduced a bill to do that back in 2002, as did Senator SPECTER, when we each proposed a set of laws to establish military commissions. The Bush-Cheney administration rejected our efforts and designed a regime the U.S. Supreme Court determined to be unlawful. Establishing appropriate military commissions is not the question. We all agree to do that. What we need to revisit is the suspension of the writ of habeas corpus for millions of legal immigrants and others, denying their right to challenge indefinite detention on the Government's say-so.

It is from strength that America should defend our values and our Constitution. It takes commitment to those values to demand accountability from the Government. We should not be legislating from fear. In standing up for American values and security, I will keep working on this issue until we restore the checks and balances that are fundamental to preserving the liberties that define us as a nation. We can ensure our security without giving up our liberty. That is what the 9/11 Commission bill aims to do, and that is what this amendment will help to achieve.

Mr. President, I ask unanimous consent that the following editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 2007]

#### EXTEND LEGAL RIGHTS TO GUANTANAMO

(By Alberto J. Mora and Thomas R. Pickering)

For more than 200 years, the courts have served as the ultimate safeguard for our civil liberties. A critical part of this role has been the judicial branch's ability to consider writs of habeas corpus, through which people who have been imprisoned can challenge the decision to hold them in government custody. In this way, habeas corpus has provided an important check on executive power. However, because of a provision of the Military Commissions Act passed last fall, this fundamental role of the courts has been seriously reduced.

Habeas corpus—the Great Writ—has been the preeminent safeguard of individual liberty for centuries by providing meaningful judicial review of executive action and ensuring that our government has complied with the Constitution and the laws of the United States. Habeas review has always been most critical in cases of executive detention without charge because it provides prisoners a meaningful opportunity to contest their detention before a neutral decision maker.

In 2004, the Supreme Court held that the protections of habeas corpus extend to detainees at Guantanamo Bay, who may rely on them to challenge the lawfulness of their indefinite detentions. The court noted that at its historical core, “the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.”

But the Military Commissions Act eliminates the federal courts' ability to hear habeas petitions filed by certain noncitizens

detained by the United States at Guantanamo Bay and elsewhere. Late last month the U.S. Court of Appeals for the D.C. Circuit upheld this provision and dismissed the lawsuits filed by many of the Guantanamo detainees.

We fully recognize that our government must have the power to detain suspected foreign terrorists to protect national security. But removing the federal courts' ability to hear habeas corpus claims does not serve that goal. On the contrary, habeas corpus is crucial to ensure that the government's power to detain is exercised wisely, lawfully and consistently with American values. That is why we have joined with the Constitution Project's broad and bipartisan group of judges, former members of Congress, executive branch officials, scholars and others to urge Congress to restore federal court jurisdiction to hear these habeas corpus petitions.

The unconventional nature of the “war on terrorism” makes habeas corpus more, not less, important. Unlike what is found in traditional conflicts, there is no clearly defined enemy, no identifiable battlefield and no foreseeable end to the fighting. The government claims the power to imprison individuals without charge indefinitely, potentially forever. It is essential that there be a meaningful process to ensure that the United States does not mistakenly deprive innocent people of their liberty. Habeas corpus provides that process.

We recognize that the Military Commissions Act still enables the Guantanamo detainees to have hearings before a Combatant Status Review Tribunal, which is charged with determining whether the detainee is in fact an “enemy combatant.” But unlike court hearings, the tribunal hearings rely on secret evidence, deny detainees the chance to obtain and present their own evidence, and allow the government to use evidence obtained by coercive interrogation methods. While these tribunals have some utility, they cannot replace the critical role of habeas corpus.

The government has detained some Guantanamo prisoners for more than five years without giving them a meaningful opportunity to be heard. The United States cannot expect other nations to afford its citizens the basic guarantees provided by habeas corpus unless it provides those guarantees to others.

And in our constitutional system of checks and balances, it is unwise for the legislative branch to limit an established and traditional avenue of judicial review.

Americans should be proud of their commitment to the rule of law and not diminish the protections it provides. Our country's detention policy has undermined its reputation around the world and has weakened support for the fight against terrorism. Restoring habeas corpus rights would help repair the damage and demonstrate U.S. commitment to a counterterrorism policy that is tough but that also respects individual rights. Congress should restore the habeas corpus rights that were eliminated by the Military Commissions Act, and President Bush should sign that bill into law.

[From the Washington Times, Feb. 27, 2007]

#### RULE OF LAW CRIPPLED

(By Bruce Fein)

The Great Writ of habeas corpus is to the rule of law what oxygen is to life.

The U.S. Court of Appeals imprudently crippled the writ last week in *Lakhdar Boumediene v. Bush* (Feb. 20). A divided three-judge panel declared suspected alien enemy combatants held indefinitely at Guantanamo Bay may not question their de-

tentions in federal courts though petitions for writs of habeas corpus under the Military Commissions Act of 2006 (MCA). Writing for a 2-1 majority, Judge Raymond Randolph mistakenly endorsed a cramped interpretation of habeas corpus as though he were addressing a tax exemption in the Internal Revenue Code.

Absolute power corrupts absolutely. Accordingly, the Great Writ prevents the president from disappearing political opponents or the unpopular into dungeons based on his say-so alone, a frightening power that has earmarked despots from time immemorial. The writ enables detainees to require the president to establish the factual and legal foundations for their detentions before an independent judiciary.

The goal is justice, the end of civil society as James Madison explained in the *Federalist Papers*. The president may be inclined to detain bogus enemy combatants in the war against global terrorism to inflate public fear and to justify executive aggrandizements, for example, spying without judicial or legislative oversight in contravention of the Foreign Intelligence Surveillance Act of 1978. A former commandant and deputy commandant at Guantanamo Bay have averred that most of its detainees do not belong there.

The Great Writ does not threaten to release a single genuine enemy combatant. The burden to defeat the Great Writ is modest: plausible evidence (far short of proof beyond a reasonable doubt) that the detainee was implicated in active hostilities against the United States. In *Rasul v. Bush* (2004), the Supreme Court held the federal habeas corpus statute extended to aliens at Guantanamo. Two years later, Congress overruled *Rasul* in the MCA by suspending the Great Writ for alien enemy combatants detained anywhere. Its proponents were unable to cite a single habeas case either before or after *Rasul* that precipitated the release of an authentic terrorist. Such a case might be hypothesized with a fevered enough imagination. But the law would become “a ass, a idiot,” in the words of Charles Dickens' Mr. Bumble, if required to answer jumbo speculations that never happen in the real world.

Article I, section 9, clause 2 of the Constitution (Suspension Clause) declares “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it.” Judge Randolph tacitly acknowledged in *Boumediene* that neither habeas exception justified the MCA, i.e., global terrorists have not invaded America. He insisted, however, that the Great Writ has no application to aliens detained outside the sovereignty of the United States; and, that Guantanamo Bay is under the sovereignty of Cuba, albeit subject to a perpetual United States lease.

The latter observation is risible. Fidel Castro has no more access or control over Guantanamo than he does over Washington, D.C., or Des Moines. If Mr. Castro formally abandoned sovereignty over Guantanamo tomorrow, nothing would change. Judge Randolph maintained that a declaration by the political branches in the MCA that Guantanamo is not part of the United States is conclusive on the courts. But the dimensions of the Great Writ which defines what we are as a people should not be so easily contracted by semantic jugglery.

Judge Randolph observed that historically the Great Writ in Great Britain was withheld from remote islands, garrisons and dominions. Compliance with a writ from overseas would have been impractical because of time limitations for producing the detainee. But as Chief Justice John Marshall taught in *McCulloch v. Maryland* (1819), the Constitution was designed to endure for the ages and

to be construed accordingly to achieve its purposes. Congress is empowered to create an Air Force, although the Constitution speaks only of armies and navies. The Fourth Amendment protects against indiscriminate government interceptions of e-mails and conversations, although its language speaks only of persons, houses, papers and effects. Similarly, the Great Writ should apply to suspected alien enemy combatants detained abroad unless compliance would be impractical or unworkable.

No civilized Constitution risks injustice for the sake of injustice, aside from the folly of creating poster children to boost al Qaeda's recruitments. The Supreme Court should grant review of Boumediene and reverse the appeals court.

[From the Washington Post, Feb. 23, 2007]

#### A CONGRESSIONAL DUTY

ON THE FIRST day of the new Congress, two leading senators announced they would join in an attempt to reverse the hasty and ill-considered decision of the previous Congress to deprive foreign prisoners at Guantanamo Bay of the ancient right of habeas corpus, which allows the appeal of imprisonment to a judge. One of the senators, Arlen Specter (R-Pa.), predicted that the courts would rule that the provision of the Military Commissions Act eliminating habeas corpus was unconstitutional; he nevertheless joined the incoming chairman of the Senate Judiciary Committee, Patrick J. Leahy (D-Vt.), in sponsoring a bill restoring the appeal right.

Now Mr. Specter's prediction is looking less sure: The U.S. Court of Appeals for the D.C. Circuit ruled this week that Congress's act was constitutional, and it threw the cases of dozens of Guantanamo detainees out of federal court. That ruling will almost certainly be reviewed by the Supreme Court on appeal, but Congress should not wait for its decision. It should move quickly on the Habeas Corpus Restoration Act.

The Supreme Court has already twice overruled decisions by the D.C. Circuit denying Guantanamo detainees habeas rights, but it is hard to predict whether it will do so again. The court's composition has changed since those rulings, with the addition of justices more likely to be sympathetic to the arguments of the Bush administration. Congress has reversed part of the basis for the court's previous rulings by enacting a statute saying that persons found to be "enemy combatants" by military review panels, including detainees held at Guantanamo, have only a limited right of appeal.

The principal remaining question is whether Congress's action is permitted under Article I, Section 9 of the Constitution, which says, "The Privilege of the Writ of Habeas Corpus shall not be suspended" except in cases of "Rebellion or Invasion." Two judges of the three-member appeals court panel ruled that the provision does not apply at Guantanamo because it is not on U.S. territory and the detainees are foreigners. A dissent written by Judge Judith Rogers pointed out that one of the earlier Supreme Court rulings stated that giving appeal rights to Guantanamo inmates "is consistent with the historical reach of the writ of habeas corpus." But the court has not ruled squarely on the constitutional issue.

Rather than wait for the court's decision, Congress should correct its own mistake. The 51 to 48 vote rejecting Mr. Specter's previous attempt to restore habeas condemned hundreds of foreign prisoners to indefinite detention without trial at Guantanamo; only a few score are expected to be prosecuted by the military commissions. Since 2002 it has become clear that a number of prisoners at the facility were arrested in error, are not

terrorists and pose no threat to the United States. Moreover, improvements in the prisoners' treatment have come about largely because of their court appeals. Congress has both a practical and a moral interest in ensuring that this basic human right is restored.

[From the New York Times, Feb. 22, 2007]

#### AMERICAN LIBERTY AT THE PRECIPICE

In another low moment for American justice, a federal appeals court ruled on Tuesday that detainees held at the prison camp at Guantánamo Bay, Cuba, do not have the right to be heard in court. The ruling relied on a shameful law that President Bush stampered through Congress last fall that gives dangerously short shrift to the Constitution.

The right of prisoners to challenge their confinement—habeas corpus—is enshrined in the Constitution and is central to American liberty. Congress and the Supreme Court should act quickly and forcefully to undo the grievous damage that last fall's law—and this week's ruling—have done to this basic freedom.

The Supreme Court ruled last year on the jerry-built system of military tribunals that the Bush Administration established to try the Guantánamo detainees, finding it illegal. Mr. Bush responded by driving through Congress the Military Commissions Act, which presumed to deny the right of habeas corpus to any noncitizen designated as an "enemy combatant." This frightening law raises insurmountable obstacles for prisoners to challenge their detentions. And it gives the government the power to take away habeas rights from any noncitizen living in the United States who is unfortunate enough to be labeled an enemy combatant.

The United States Court of Appeals for the District of Columbia Circuit, which rejected the detainees' claims by a vote of 2 to 1, should have permitted the detainees to be heard in court—and it should have ruled that the law is unconstitutional.

As Judge Judith Rogers argued in a strong dissent, the Supreme Court has already rejected the argument that detainees do not have habeas rights because Guantánamo is located outside the United States. Judge Rogers also rightly noted that the Constitution limits the circumstances under which Congress can suspend habeas to "cases of Rebellion or invasion," which is hardly the situation today. Moreover, she said, the act's alternative provisions for review of cases are constitutionally inadequate. The Supreme Court should add this case to its docket right away and reverse it before this term ends.

Congress should not wait for the Supreme Court to act. With the Democrats now in charge, it is in a good position to pass a new law that fixes the dangerous mess it has made. Senators Patrick Leahy, Democrat of Vermont, and Arlen Specter, Republican of Pennsylvania, have introduced a bill that would repeal the provision in the Military Commissions Act that purports to obliterate the habeas corpus rights of detainees.

The Bush administration's assault on civil liberties does not end with habeas corpus. Congress should also move quickly to pass another crucial bill, introduced by Senator Christopher Dodd, Democrat of Connecticut, that, among other steps, would once and for all outlaw the use of evidence obtained through torture.

When the Founding Fathers put habeas corpus in Article I of the Constitution, they were underscoring the vital importance to a democracy of allowing prisoners to challenge their confinement in a court of law. Much has changed since Sept. 11, but the bedrock principles of American freedom must remain.

[From the Columbia Tribune, Feb. 22, 2007]

#### ENEMY COMBATANTS: A FAST TRACK TO JUSTICE

Under the president's shortcut plan for wartime justice, anyone he labels an "enemy combatant" loses normal constitutional rights. The government denies hundreds of detainees in Guantánamo Bay, Cuba, the right to a hearing in court.

Last year the U.S. Supreme Court declared this denial unconstitutional. In response, the Bush administration pushed through Congress the Military Commissions Act authorizing the use of such commissions instead of courts for hearing these cases.

This week the District of Columbia appeals court upheld the new law, a decision certain to be appealed, sending the issue back to the highest court, where I hope this latest gambit will be denied.

I suppose President George W. Bush and his crew refuse to let these prisoners have habeas corpus hearings in the U.S. court system because they fear the outcome. Why else? And if so, what does that say about their expectations for the military commissions? That these extra-judicial bodies will affirm the government's extralegal detention policies? What else?

This dogged insistence is but one example of Bush's eagerness to ignore essential constitutional guarantees, ranking right up there with his programs of warrantless wiretapping and other surveillance of U.S. citizens.

Bush simply refuses to go to court for oversight of his administration's actions in denial of civil rights. Before he took office, it was simple. When a person is arrested, he has a right to a real court hearing to determine the legitimacy of the arrest and his ultimate guilt or innocence. When citizens' privacy is invaded by government, it is to be done only with court permission.

We see signs that the American public is getting fed up with these constitutional shortcuts. These practices alone are enough to unwarrant this administration. Let us pray the Supreme Court again slaps them down.

[From the Evansville Courier & Press, Feb. 21, 2007]

#### A MATTER OF RIGHT: FEDERAL COURT UPHOLDS DENIAL OF HABEAS CORPUS TO DETAINEES OUTSIDE THE U.S.

Congress should tear itself away from the pointless business of passing nonbinding resolutions on Iraq and begin cleaning up the damage we've done to ourselves in the war on terror.

That task became more urgent this week when the federal court of appeals for the District of Columbia upheld the constitutionality of a provision denying the right of habeas corpus to detainees held outside the United States.

The Military Commissions Act (MCA) was passed last year, hastily and without much thought like so much anti-terrorism legislation, after the Supreme Court told the Bush administration that it had to get congressional permission for its plan to try the detainees before military tribunals.

Part of that law banned the detainees at U.S. prisons in Guantánamo Bay, Cuba, and Afghanistan from challenging in civilian courts the legality of their detention. That right of habeas corpus is a bedrock principle of Anglo-Saxon law going back eight centuries. It is a fundamental right enshrined in the U.S. Constitution.

Carving out an exception to that right based on a sketchy designation as an "enemy combatant" was a terrible precedent, essentially justifying arbitrary imprisonment.

The senior members of the Senate Judiciary Committee, Arlen Specter, R-Pa., and

Patrick Leahy, D-Vt., tried to rectify this departure from U.S. respect for the rule of law last year and failed by three votes.

They have reintroduced their bill in the new Congress.

Another bill, by Leahy and Sen. Chris Dodd, D-Conn., would restore the right of habeas corpus and clean up some other unfortunate provisions in the MCA by sharpening the definition of "illegal combatant," excluding evidence obtained by coercion and allowing military judges to exclude hearsay evidence.

If the circuit-court ruling stands, the practical effect would be to force the federal courts to dismiss more than 400 habeas-corpus appeals. The ruling will certainly be appealed to the Supreme Court, and one hopes that the high court would stand up for this ancient and fundamental right.

But it would be better if Congress acted first to demonstrate our faith and confidence in our own system.

Mr. KYL. Mr. President, I rise today in support of amendment No. 366, offered by my colleague, Senator SCHUMER. This important amendment would restore the export restrictions on highly enriched, HEU, bomb-grade uranium for use as a reactor fuel or as targets to produce medical isotopes, except on an interim basis to facilities that are actively pursuing conversion to low-enriched uranium LEU.

Let's look at the history behind this amendment. From 1992 until 2005, we had a law that worked. Under that law, we allowed the exportation of HEU for the production of medical isotopes as long as the recipient of that highly enriched uranium cooperated with the United States to get to the point where the production of these medical isotopes could be done with low-enriched uranium. Low-enriched uranium is not of sufficient grade to make bombs. This law provided the incentive to work with the United States to attain conversion to LEU. Most important, it furthered our antiproliferation goal of reducing the circulation of HEU outside the United States. It is important to note that from 1992 until 2005, licenses for the shipments of HEU were never denied and the medical isotopes needed for radiopharmaceuticals were never in short supply.

Then in 2005 this effective, 13-year-old law was gutted through an amendment to the Energy Policy Act and the export restrictions on HEU were eliminated. These restrictions were lifted over the objection of a majority of this body, which voted in favor of retaining existing law, 52 to 46, after a thorough debate. You may ask why an amendment to allow weapons-grade uranium to leave the United States without restriction would resurface in conference and end up enacted into law. I ask that same question. There are no good explanations. One thing is certain, though; we need to fix it.

The major producers of medical isotopes are all foreign companies operating outside the United States. Under the previous law, these companies were moving toward conversion to LEU, and many have developed the capability to produce medical isotopes from LEU. Australia and the Netherlands are two

good examples. The other major producer of medical isotopes is in Canada. That Canadian company has resisted conversion to LEU and in 2005 that company had enough HEU-material stockpiled to build at least four bombs. Today, who knows how much it may have stockpiled. One thing we do know is, if this material is lost or stolen, the United States would be faced with a serious nuclear threat. We must rectify this mistake. I urge my colleagues to adopt this amendment.

I yield the floor. 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. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, I make a point of order, en bloc, that the pending amendments are not germane under the provisions of rule XXII, with the exception of the following: Reid No. 275, Landrieu No. 321, Schumer No. 336, Coburn No. 325, Coburn No. 294, Kyl No. 357, Biden No. 383, Schumer No. 367, Stevens No. 299, Schumer No. 337, Bond No. 389.

Mr. President, I make that point of order on behalf of Senator LIEBERMAN. I believe it has been cleared on both sides.

The PRESIDING OFFICER. The point of order is well taken and the amendments fall.

Mr. DORGAN. Mr. President, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, it has been a productive week for the Senate. We have moved closer to completing the long overdue work of the 9/11 Commission—work that will make our country more safe, more secure.

It has been over 2½ years since the 9/11 Commission gave Congress a roadmap to follow to secure our country. This bipartisan Commission met for over a year, had hearings all over the country, did excellent work. It is important we do not delay their recommendations any longer. The safety and security of our country is too important.

Before we adjourn today, I wish to say a few words in praise of my friend and colleague, the senior Senator from Louisiana, MARY LANDRIEU. In the face of many objections from the minority, Senator LANDRIEU has been tireless in working to eliminate rules that are nothing more than miles of redtape and mountains of paperwork that are delaying the rebuilding and recovery of

the gulf coast, which was devastated by a natural disaster we now know as Katrina.

Her amendment No. 295 is very simple. It would waive the requirement that local communities put up a 10-percent match for every Federal dollar we spend to rebuild public facilities such as schools and fire stations destroyed by Katrina, Rita, and Wilma. These were all devastating hurricanes.

The President has the authority to do this with a single stroke of the pen. In fact, I joined with Senators LANDRIEU and LIEBERMAN urging him a month ago to do just that, to use his office to lift these significant burdens to recovery. To this day, he simply has not done that. He waived these rules for New York after 9/11. The first President Bush waived these rules after Hurricane Andrew, which was devastating but does not compare to what Katrina did. In fact, these rules have been waived every time disaster recovery costs have grown to even a fraction of those we are now seeing. But not with Katrina and its pals, Rita and Wilma.

So that brings us to why we are here today. What the President would not do we must do legislatively. I would say to all those who are from the administration who are listening to us talk today, when the President gets back from Latin America, let's have him do this. It would save our having to do it in the supplemental. He could call down here. Even maybe he could get some of the people to back off on the other side so we could do it before this bill passes. The President does not need legislation. He has the authority to do that right now. I would hope he would do that. The Senator from Louisiana has been patient and very aggressive. That is what is necessary. I would hope her patience would be rewarded with the President signing his name waiving this 10 percent. It is something that needs to be done. If not, I have committed to her and the people of Louisiana, through her Governor and others who have come to see me, that we are going to do what is right.

This is important. It has happened for every other major disaster, and it should happen for this one. If we cannot do it on this bill, and the President will not do it, then we will have to do it on the supplemental that will be here in a little over 2 weeks. The House has already said they intend to do this. We also intend to do this.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

I thank the majority leader for those words and for him restating publicly and unequivocally his commitment to getting this job done, not just for the people of Louisiana but for the people of the gulf coast. We have spent a lot of time on the floor, as the majority leader knows, talking about rebuilding other places in the world. The leader is correct, and the Democratic caucus is

leading to try to redirect some of that attention to right here at home.

We have over 30 million people who live on the gulf coast right now, today, this Friday. The work of rebuilding is being thwarted, is being hampered, is being delayed by outmoded, unrealistic Federal regulations and bureaucratic redtape that is choking this recovery.

Now, normally this redtape is a nuisance. We work through it. It is inconvenient. It is a nuisance. But we just sort of move through the redtape of Government. But in this case, it is literally a noose that is around the necks of people, of business owners, large and small, family members—strangling their efforts to recover their communities that were devastated.

Just to put some pieces in the picture I am trying to paint, I would like to just share some details about Cameron Parish. You do not hear much about Cameron Parish because there are only 9,658 people who live there. We hear a lot about New Orleans. We hear a lot about Jefferson Parish. We hear a lot about even St. Bernard Parish. But little Cameron Parish, down on the southwest border, that was directly hit by Rita, the “forgotten storm.” We have not. The legislative delegation from Louisiana has not forgotten it, but many others fail to remember it.

Cameron Parish lost five fire stations, four community recreation centers, four public libraries, three maintenance barns, two parish multipurpose buildings, Courthouse Circle; Cameron Parish Police Jury Annex Building—destroyed; Cameron Parish Sheriff’s Department Investigative Office—destroyed. The health unit was destroyed. The school board office was destroyed. The mosquito control barn was destroyed. And the waterworks district No. 10 office was destroyed. Virtually every public building was destroyed, except the courthouse, which was built in the early part of the century. It is several stories high, and it sort of shines white on the coast. If you flew over it, you could actually see it. It is quite large, and many people’s lives have actually been saved by going to the courthouse during storms, where they have been kept from the high water. But everything else in the parish is gone. This little parish can no more put up a 10-percent match to rebuild four libraries, all their schools, than the man in the moon.

Now, normally, if the hurricane was not so bad, the State of Louisiana, which is a big State—not huge, but we are not small, we are medium-sized—would be strong enough to step up, give Cameron Parish the 10 percent of each of these very important public works for the 10,000 people or so who live there. But the problem is, Katrina and Rita were so devastating to the whole State that our State is not strong enough.

That is why we have a Federal Government. When the State is not strong enough, because of the storms, the Nation steps up. I am asking the Presi-

dent of the United States to step up and use his authority to waive this 10-percent match so the people of Cameron and the people right next door to them on the Texas line who were equally hard hit and the people to the right of them on the map—the good people of Mississippi—there are towns in Mississippi that lost every school, every library. The State of Mississippi will have a difficult time as well. But the State of Louisiana is having an unusually difficult time because of the devastation.

I want to say again—because I think numbers can paint a picture or tell a story better than even words can—the per capita damage to Florida from Hurricane Andrew was \$139. The per capita damage to the State of New York was \$390 from the attacks on the World Trade Center. These two events were unprecedented and unheard of. Most storms are like \$20 per capita, \$50 per capita. They hardly ever go over \$50 per capita.

When Hurricane Andrew came through, it really woke us up to the poor people of Florida. It wrecked Homestead, FL, and was a great weight for the State of Florida. But we all pitched in and helped, and this match was waived.

When 9/11 hit, it shook the foundations of this Nation. It also shook the great city of New York. But it was waived, and we all pitched in and helped.

Here we have Hurricanes Katrina and Rita, and we sit here wondering: Where is the Government? Where is the President? Where is the minority’s thinking on this subject? Our per capita damage is \$6,700. It defies anything we have ever seen.

Our State has been asking for this 10 percent reduction for 18 months. Do we have to keep asking for it? Do we have to keep supplying data like this? What is it going to take to get them to understand if there was ever a situation where the 10 percent should be waived, if there was ever an example like Cameron Parish, this is it.

So this amendment is pending. It is being opposed by an undisclosed person. But the minority is opposing it. I will meet the minority more than halfway. I am asking the administration, please, over the weekend, to reconsider. Let us get this done on this bill. Every day, every week counts. If we cannot, the majority leader has said—and I, of course, will support the effort, and many of the members of this caucus are supporting it—we will do it on the supplemental. The problem is, it will take us weeks. Perhaps the supplemental will run into a veto threat. Who knows? Because there are lots of issues that are going to come up on that supplemental. But this issue is clear. It could be easily fixed on this bill. I am going to work through the weekend to see if we can find any kind of compromise that could give a green light to the people of Cameron Parish. Let me say that even without that light,

we visited Cameron Parish several times. Their little girls’ softball team that was in contention when the storm hit went on to win the championship. Without a cafeteria, without a school, without a gym to practice, with most of their teachers’ homes underwater and their own homes underwater, and most of them living in trailers or in tents, this team went on to win the championship. So when people say that people in Louisiana don’t have resilience, we are being as resilient as we possibly can be under these circumstances. All we are asking is to please look at the data, please consider our case and allow us to get this 10 percent waiver so that the public works can move forward on fire stations, police stations, libraries, and infrastructure, most certainly essential to communities rebuilding. As we rebuild, we are rebuilding on higher ground. We are rebuilding with better building materials. We are mitigating against future storms. We are not building in the old-fashioned ways. But if this 10 percent doesn’t get waived, we are not going to be building new or old or otherwise. We won’t be building.

As I said, we may not be a fancy coast, but we are America’s energy coast. We are proud of the fish that we bring in right off of Cameron Parish. We are proud of the shipping industry. We are proud of the ship channel that brings liquefied natural gas to keep the lights on in this Chamber and sends gas to New York and Philadelphia and California every day.

This is Cameron Parish. They are not sunbathing down in Cameron Parish. Yet we can’t find it out of the goodwill of our hearts—we are spending all of this money to rebuild Iraq, and I have 10,000 people down on the coast. Does anybody remember they are Americans, taxpaying Americans with no libraries, no schools, and no possible way to put up their 10 percent match because they lost everything? I would think that somewhere in this trillion-dollar budget and maybe in the heart of the minority they could find some room for the people of Cameron Parish. Please consider our request over this weekend to get this 10 percent waived.

I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. LINCOLN). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.