

war, the district court has ruled that the military commissions may proceed as planned, and that the right to habeas corpus will crystallize only once there is a final judgment.

The Bush administration can hardly complain if it takes the Federal district judges presiding over these habeas cases some time to resolve them. After all, it was the Bush administration that tried to avoid court scrutiny at all costs for the last 7 years. The Supreme Court having rejected this effort, the courts must now be permitted to do their jobs.

Is there anything that Congress should do at this time? One thing that Congress could and in my view should do is to pass the Habeas Corpus Restoration Act that Senator SPECTER and I introduced in the wake of the passage of the Detainee Treatment Act, and with which we sought to modify the Military Commissions Act. A bipartisan majority of the Senate voted with us last year when we were seeking to add it to the Department of Defense authorization bill, but we were forestalled by a filibuster. I trust that those who said they were not ready to join us last year because of the pendency of the Supreme Court case will join us now and do the right thing. It was Congress's mistake to pass the habeas stripping provisions of the Detainee Treatment Act and the Military Commissions Act, and we should correct it by passing our bill to amend the law. The Supreme Court has already declared those provisions unconstitutional and ineffective. In my view, it is a shame that the Supreme Court had to step in before we corrected our mistake.

These unconstitutional habeas-stripping provisions are a blot on the Senate, and on the Congress, and should not reside in our laws. We should reverse the Senate's action and correct its error. I do not want to see another Senate apologize years down the road for passing laws designed to strip habeas rights, as we have seen belated apologies for America's treatment of Native Americans, the internment of Japanese Americans, and other grievous errors in our past. I do not want a future Senate to look back with shame or have to issue an apology for unconstitutional legislation coming from this great body. Congress should pass the provisions of the Habeas Corpus Restoration Act.

Hereafter we will need to join together in the weeks and months ahead to rethink the misconceived legal framework that has been devised by this administration. We will need to work together—with each other, with the House and with the new administration—to supplement our laws, consistent with our Constitution and core values, and to restore our leadership in the world and more effectively defend our Nation. We can recapture the bipartisanism that we demonstrated in the days immediately following 9/11 and move forward, not as Democrats or Republicans, but as Americans.

The Supreme Court was explicit that its decision in *Boumediene* only reached the unconstitutional attempt to strip habeas corpus review from these detainees and that the Detainee Treatment Act and combatant status review tribunal process remain intact.

Likewise, the Attorney General and Department of Justice have said that the military commissions will continue, and a federal judge in Washington, DC, recently ruled against a detainee's effort to secure habeas review before his military commission was to commence.

I think we will need to review both processes. The military commission system is so deeply flawed that after close to seven years it has only just started its first trial. The world will never view those proceedings as fair or consistent with the rule of law. We are too strong and confident a nation to seek vengeance or be driven by fear. America is great in part because it does not shirk from its legal obligations but embraces them and lives by them. When America acts, as it did, to circumvent the law by holding prisoners off shore, to contract out torture to third parties, or to suspend the Great Writ, we are not the America envisioned by our Founders and preserved by every previous generation of Americans.

I look forward to working in the next session with Senator FEINSTEIN on her initiative to close the Guantanamo Bay facility, and begin to erase the damage it has done to the United States' reputation around the world. She has sponsored legislation to move us in that direction. I want to commend Senator WHITEHOUSE for his legislative proposal to establish a congressional commission to make non-partisan recommendations to Congress on how best to proceed in the future. I know that Senators DURBIN and SPECTER introduced military commission bills back in 2002, around the same time that I did. We will need to work across committee lines and across the aisle, to involve not only the reconstituted Department of Justice, but also the Departments of Defense and State as we go forward. We will need to reconsider where else we went wrong and how to set the entire system on better, stronger foundations.

#### AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

Mr. SPECTER. Mr. President, I have sought recognition to recognize the Air Force Office of Special Investigations on its 60th anniversary, August 1, 2008.

The Office of Special Investigations was created in 1948 at the suggestion of the 80th Congress. The secretary of the Air Force, Stuart Symington, consolidated and centralized the investigative services of the U.S. Air Force to create an organization that would conduct independent and objective criminal investigations. Since 1948, the Office of Special Investigations has evolved to

meet the changing needs of the Air Force. It has matured into a highly effective war-fighting unit while maintaining the standards of a greatly respected Federal law enforcement agency. The Office of Special Investigations has truly adapted to fulfill the needs of the U.S. Air Force in the 21st century.

At present, 3,200 men and women serve in the Air Force Office of Special Investigations. In more than 220 offices around the globe, these men and women perform the investigative work of the U.S. Air Force wherever and whenever they are needed. I am proud to be counted among the alumni of the Air Force Office of Special Investigations. I served as a young lieutenant in the Office of Special Investigations from 1951 through 1953 and was assigned to the Pennsylvania, West Virginia, and Delaware District. My experience allowed me to serve my country, hone my investigative skills, and prepare for a career in law and in Government.

It gives me great pleasure, to recognize and salute the Air Force Office of Special Investigations on the occasion of its 60th anniversary. In a time of unprecedented change and challenges, the Air Force Office of Special Investigations has answered the call of the Air Force, the Department of Defense, and the Nation.

#### JOBS, ENERGY, FAMILIES AND DISASTER RELIEF ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote on July 28 against cloture—to end debate—on the motion to proceed to S. 3297, the so-called Reid omnibus bill or “Coburn package.” As I stated on the Senate floor Monday, July 28, it is my inclination that the majority leader called for a vote on cloture on proceeding to this bill in order to dislodge the pending legislation on oil speculation. By using his position of power, he seeks to force the Senate to prematurely move away from the No. 1 issue facing the people from my State and the Nation namely energy legislation.

I did not support cloture to move to the Reid omnibus bill not because I do not support many of its provisions, rather because I believe we should complete work on energy legislation before moving on to other matters. Further, I am seeking my right as a U.S. Senator to offer amendments to a bill in a fair and balanced legislative process.

For instance, Senator KOHL and I had a bipartisan amendment prepared to offer to the speculation bill that would have brought OPEC nations under U.S. antitrust laws to prohibit them from meeting in a room, lowering production and supply, and thus raising prices. Unfortunately, this effort was denied by the majority leader's blocking of amendments by filling the so-called amendment tree, disallowing mine and a number of other amendments that ought to be considered.

This procedure is nothing new for this majority leader who has filled the amendment tree on 15 occasions in the current 110th Congress, surpassing all other majority leaders in modern history. As a result of the majority leader's curtailing Senate procedure and amendments, I have been faced with voting against cloture on measures I would have ordinarily supported including this past Saturday's vote on LIHEAP. I have also opposed cloture in instances such as the Lieberman-Warner global warming bill which was considered the first week of June—2 to 6. In that case, the majority leader filled the amendment tree at the first opportunity and filed cloture on the bill without ever allowing consideration of amendments. The 5-day debate culminated in a *fait accompli* cloture vote that failed on June 6.

Most recently, I voted against cloture to move to the Reid omnibus bill that was a conglomeration of legislation that has been described as non-controversial and may benefit a wide variety of interests. As I stated on the Senate floor on Monday, July 28, I am supportive of most, if not all of the substance in this bill. In fact, I am a cosponsor of six of the items.

I support and have worked to pass a number of the Judiciary Committee-related bills in the proposed omnibus. For example, I am an original cosponsor of the Runaway and Homeless Youth Protection Act, S. 2982, which makes changes in the grant program for centers for runaway youths. I am also a cosponsor of the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008, S. 2304, which would provide grants for the improved mental health treatment and services provided to offenders with mental illness. In addition, I am a cosponsor of the Emmett Till Unsolved Civil Rights Crime Act, S. 535, which authorizes funding to solve pre-1970 civil rights crimes. Moreover, in committee, I supported a Federal commission to commemorate the bicentennial of the writing of the Star-Spangled Banner and the War of 1812, S. 1079.

Additionally, I voted in favor of the following child protection bills which were passed by the Judiciary Committee: The Combating Child Exploitation Act of 2008, S. 1738, which authorizes grants to combat child exploitation; and the Drug Endangered Children Act of 2007, S. 1210, which extends a grant program directed at drug-endangered children.

I directed my staff to work to clear the child exploitation bills from the omnibus package in the same manner I worked to pass the Adam Walsh Act without extraneous add-ons during the 109th Congress. To that end, my staff worked with Senator COBURN's staff to draft a proposed compromise child exploitation bill that includes the key provisions of the child pornography and exploitation legislation in the proposed omnibus, as well as important

legislation to strengthen the powers of the National Center for Missing and Exploited Children, the SAFE Act, which was omitted from the omnibus bill.

My support is also invested in efforts to maintain the natural beauty of the Chesapeake Bay Watershed while simultaneously preserving its resources for the communities it serves. S. 2707, The Chesapeake Bay Gateways and Water Trails Network Continuing Authorization Act, will permanently authorize appropriations for these vital programs. I cosponsored this legislation because I believe it is a critical organization whose mission to protect the bay is vital for the communities affected by this watershed.

Another environmental act I have fervently supported and of which I am an original cosponsor, is S. 496, the Appalachian Regional Development Act Amendments of 2008. The bill renews the Appalachian Regional Commission for 5 years—2007–2011—and authorizes \$510 million to be appropriated over that timeframe for the Commission's economic development activities in distressed rural counties.

Numerous health care provisions I have worked hard for can also be found in this package, including S. 1382, which establishes a registry of those suffering from amyotrophic lateral sclerosis, ALS, better known as Lou Gehrig's disease. The registry will gather data about those who are diagnosed with the disease to better understand and research the illness. As Ranking Member of the Labor, Health and Human Services and Education—LHHS—Appropriations Subcommittee, I support research and an ALS registry. I worked to provide \$39 million for NIH research of ALS in 2008 and \$2.8 million to plan the ALS registry.

I am also a cosponsor of S. 1183, the Christopher and Dana Reeve Paralysis Act, to expand paralysis research at the National Institutes of Health, NIH, and set up a network to allow patients and their families to quickly learn the result of clinical trials on paralysis rehabilitation drugs. The LHHS fiscal year 2008 appropriations bill provided \$64 million for NIH spinal cord research.

The package also included bills, H.R. 3112, S. 1810 intended to create a new Federal grant program to pay for information and support services regarding Down syndrome and other prenatally or postnatally diagnosed conditions. While awaiting these authorization bills, I have worked with Senator HARKIN to get a jump start on these much-needed activities by including \$1 million to establish the congenital disabilities program in the fiscal year 2009 Labor, HHS, and Education Appropriations bill. In addition, the Labor-HHS Subcommittee provided almost \$1 million to the CDC in fiscal year 2009 for awareness activities related to Down syndrome.

One of the bills, H.R. 477, would permit the issuing of grants to states for

stroke care systems. As ranking member of the Labor-HHS Appropriations Subcommittee, I have worked to increase CDC funding for heart disease and stroke activities in the States to over \$50 million and NIH funding for stroke research to over \$340 million in fiscal year 2008.

Another bill, S. 1375, would establish a grant program for services to mothers suffering from postpartum depression. As ranking member of the Labor-HHS Appropriations Subcommittee, I have worked with Chairman HARKIN to include \$4.9 million for a first-time motherhood initiative within the maternal and child health block grant.

I also support S. 675, the Training for Realtime Writers Act of 2007. The Telecommunications Act of 1996 requires 100 percent closed captioning for all new English broadcast programming by January 1, 2006. That deadline has come and gone. There are not enough real time writers and captioners to meet this unfunded mandate out in the workforce. Furthermore, the Telecommunications Act of 1996 requires 100 percent closed captioning for all new Spanish broadcast programming by January 1, 2010. America is very far from achieving this goal. S. 675 will assist with training the workforce to provide closed captioning for the 30 million Americans who are deaf or hard-of-hearing.

I support H.R. 3320, the Support for the Museum of the History of Polish Jews Act of 2007, which requires assistance from the Department of State to support the development of a permanent collection at the Museum of the History of Polish Jews in Warsaw, Poland. It is in the national interest of the United States to encourage the preservation and protection of artifacts associated with the heritage of U.S. citizens who trace their forbearers to other countries and to encourage the collection and dissemination of knowledge about that heritage. Most recently, I traveled to Poland on August 27, 2007, and observed first hand the importance of museums that examine Poland in WW II, specifically the Polish uprising and the Home Army. The Museum of the History of Polish Jews will complement the current museum facilities in Warsaw by preserving and presenting the history of the Jewish people in Poland, which had the largest Jewish population in Europe at the beginning of World War II.

Having outlined a number of priorities and areas of support I have with this omnibus bill, let the record show that I support the package as a whole. However, as evidenced by my vote against cloture on the motion to proceed to the bill, I believe the energy situation is too important to set aside until we have completed or frankly even started our work on it by allowing amendments to be considered. It has been said on this floor that explaining opposition to this omnibus bill to our constituents will be difficult. While this premonition may have some merit,

I trust that the people of Pennsylvania and the Nation will support efforts to deal with high energy prices and encouraging the kind of open and fair debate that leads to better policies across the board.

I reinitiate my suggestion that the Senate stay in session during the month of August, if the majority leader would hold a legitimate session that provides the kind of deliberation that has led many to call the U.S. Senate "the greatest deliberative body in the world." Members of this body should be prepared to work as long and hard as necessary in order to reach a solution to the energy crisis not based upon political appeasement, but results. It is time we allow debate and compromise to reverberate through this chamber as we find areas of agreement in the best tradition of the Senate.

#### NOMINATION OF JAMES A. WILLIAMS

Mr. GRASSLEY. Mr. President, I, Senator CHUCK GRASSLEY of Iowa, intend to object to proceeding to any unanimous consent agreement pertaining to the nomination of Mr. James A. Williams to be the Administrator of the General Services Administration.

The Committee on Homeland Security and Governmental Affairs voted to report the Williams nomination favorably to the full Senate on July 30, 2008.

I oppose this nomination because of Mr. Williams's actions in connection with the renegotiation of a contract with Sun Microsystems in August–September 2006. I have outlined my concerns about this matter in detail in a speech on the floor on July 24, 2008. That statement appears on pages S7272–S7274 of the RECORD.

Mr. President, I would like to inform my colleagues that I have requested to be notified of any unanimous consent agreement that would allow for the consideration of the nomination of Mr. James A. Williams to be the Administrator of the General Services Administration, GSA.

I intend to reserve my right to object to any such request.

I expressed my opposition to this nomination in a floor statement on July 24, 2008, and in a letter to the chairman of the Committee on Homeland Security and Governmental Affairs on the same date. My letter to Chairman LIEBERMAN appears in the RECORD on page S7273 at the conclusion of my speech.

My opposition to this nomination is based on the results of an in-depth oversight investigation conducted by my staff in 2006–2007. This investigation examined the actions of Mr. Williams, former Administrator Doan, and several other senior agency officials in the contract negotiations with Sun Microsystems, Inc. in May–September 2006. There were: No. 1. allegations of fraud on the Sun contract that was being renegotiated; No. 2. Mr. Williams

and Ms. Doan had knowledge of the alleged fraud; and No. 3. allegations that Mr. Williams and Ms. Doan had improperly interfered in the ongoing negotiations and put pressure on the contracting officer to sign what was considered a bad contract. I presented the findings of this investigation in a floor statement on October 17, 2007, which appears on pages S12952–12954 of the RECORD.

At Mr. Williams's hearing on July 25, the committee did ask him some tough questions about his knowledge of the alleged fraud and his role in the Sun contract negotiations. However, Mr. Williams's response was less than complete, and there was little or no followup by the committee. I am preparing followup questions for Mr. Williams, asking him for more details.

All the evidence developed in my oversight investigation points to the existence of serious unresolved issues involving Mr. Williams role in this matter. Based on what I know today, I do not believe that Mr. Williams should be promoted to high office. He placed the well-being of the GSA before the interests of all the hard-working American taxpayers, who he was sworn to protect. There needs to be some accountability in the Federal contracting system for blunders and missteps during the Sun contract negotiations.

I may have more to say on this subject at a later date.

#### PAYMENTS TO PHYSICIANS

Mr. GRASSLEY. Mr. President, I have been examining several doctors at universities across the country to see if they are complying with the financial disclosure policies of the National Institutes of Health. I ask unanimous consent to have my latest letters to Stanford University and to the National Institutes of Health printed in the RECORD.

I yield the floor.

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

U.S. SENATE,  
COMMITTEE ON FINANCE,  
Washington, DC, July 30, 2008.

Dr. JOHN L. HENNESSY,  
*President, Stanford University, Office of the President, Stanford, CA.*

DEAR DR. HENNESSY: First, I would like to thank you for your prompt attention to the matter involving payments made by pharmaceutical companies to Dr. Alan Schatzberg, Chairman of the Department of Psychiatry at Stanford University (Stanford/University). Investigators with the Senate Finance Committee (Committee) believe that the following chart provides a better representation of Dr. Schatzberg's disclosures to Stanford and company reports to the Committee.

Committee investigators understand that differences in reporting requirements and accounting methods may result in differences between Dr. Schatzberg's reports and reports from companies that can only be explained in writing. The Committee understands that Stanford will provide a comprehensive response to the initial letter sometime soon, which will include these details. Stanford has notified the Committee that any discrep-

ancies in the chart are most likely due to differences in accounting between Stanford and the various companies contacted by the Committee.

As Stanford pointed out in a public statement, there was an error in the chart that the Committee sent to you regarding payments from Eli Lilly to Dr. Schatzberg in 2007. That chart stated that Dr. Schatzberg had "not reported" this money when in fact he had. Therefore, this letter is being placed in the congressional record to correct the official record.

Stanford also noted that Dr. Schatzberg's reports on payments from Eli Lilly in 2004 include compensation of less than \$10,000 for advisory board activities and \$10,000 to \$50,000 for honoraria for papers, lectures and consulting. This also matches the footnote in the Committee's chart and appears to capture all the monies reported by Eli Lilly (\$52,134) for that year.

However, Committee investigators still have concerns regarding Johnson & Johnson's report of paying Dr. Schatzberg \$22,000 in 2002. According to Stanford's statement, "Dr. Schatzberg did disclose this payment to the university and also reported it to the Committee. He disclosed the \$22,000 payment from Jannsen, the wholly-owned subsidiary of Johnson & Johnson that made the payment." The reason that we continue to be concerned is because Dr. Schatzberg reported less than \$10,000 from Jannsen for academic year 2002 (September 2, 2001 through August 31, 2002) and less than \$10,000 for academic year 2003 (September 1, 2002 through August 31, 2003). Johnson & Johnson did not delineate payments from subsidiaries such as Jannsen when it reported the information to the Committee. Johnson & Johnson reported a payment of "fee for services" of \$22,000 to Dr. Schatzberg on August 19, 2002. Even noting differences in accounting methods, Dr. Schatzberg's reports on Jannsen do not appear to fully explain the discrepancy.

Inconsistencies also appear among the payments reported to us by Eli Lilly in 2002. Eli Lilly reported paying Dr. Schatzberg \$19,788 that calendar year. However, Dr. Schatzberg reported that he received less than \$10,000 from Eli Lilly for academic year 2002 (September 2, 2001 through August 31, 2002) and more than \$10,000 for academic year 2003 (September 1, 2002 through August 31, 2003). Noting possible differences in accounting methods, Dr. Schatzberg's reports on Eli Lilly may explain the discrepancy, but only if one combined the 2002 and 2003 academic years.

Further, based on documents in our possession, it appears that Wyeth paid Dr. Schatzberg for testifying as an expert witness in 2006. This work was in response to lawsuits brought against Wyeth regarding its antidepressant, Effexor. As Dr. Schatzberg wrote in an undated expert report on behalf of Wyeth, "My hourly rate for review of materials or for testimony is \$500." Dr. Schatzberg was apparently an expert witness in at least two cases for Wyeth, but payments for this work cannot be found in his reports of outside income to Stanford. Therefore, I would appreciate your clarification of Dr. Schatzberg's expert witness fees and how they are recorded on Stanford's financial disclosure forms.

Thank you again for your continued cooperation and assistance in this matter. I look forward to a complete response to outstanding questions in the near future. If you have any questions, please do not hesitate to contact Paul Thacker at (202) 224-4515.

Sincerely,

CHARLES E. GRASSLEY,  
*Ranking Member.*

Attachment.