

to attack the United States as they did on 9/11 and kill our people. This is an unpleasant task. When confronted on the battlefield, in Iraq, in Afghanistan, we shoot them and we kill them and we drop bombs on them and we kill them because these are life-and-death matters that Congress has authorized. I wish that were not necessary. I know it is a failure of us in some form or fashion. But as a practical person, we know no other alternative than to defend ourselves. We are required to do that.

I was reading an article from the Mr. R. Emmett Tyrrell, Jr., in the Washington Times today. He talks about what Admiral McConnell, the Director of National Intelligence, said a few days ago in hearings. Director McConnell said:

The number of terrorist attacks and deaths were greater than in the past six years combined.

He was talking about the battle for Pakistan and its survival.

The article states:

Another [statement] from Mr. MCCONNELL . . . is that al Qaeda plans more attacks against the United States and was working on a plan for attacking the White House as recently as 2006. Homegrown al Qaeda cells here have been primitive, but Mr. MCCONNELL registered his concern that new, more sophisticated cells might threaten us domestically in the years ahead.

And that is a fair summary, I think, of Admiral McConnell's comments.

Since we have now openly talked about the waterboarding question, and Members of Congress and the public have now gotten the information, I think we need to make sure we know exactly how those three occurrences developed.

The first thing we know is it worked. I hate to say, it worked. No. 2, the Agency—only the CIA used waterboarding; never the U.S. military, never the Department of Defense; not in Iraq, not in Afghanistan—it was never utilized by our military, but the Central Intelligence Agency on three occasions since September 11.

As the article says, they utilized it only on those:

[T]error leaders who have posed the utmost threat to our [national] security, Abd al-Rahim al-Nashiri, [who was the] mastermind of [the] attack on our warship the USS *Cole* in a neutral port.

We had hearings in the Armed Services Committee, of which I am a member, about that dastardly attack. And I remember about a year after the *Cole* was attacked—where we had 18 American sailors killed by this vicious attack; and it could have been a lot more—the Navy commissioned a ship down at Norfolk, VA; and as we walked out of the ceremony, a young sailor hollered out—and it still makes my hair stand up—“Remember the *Cole*.”

Well, we got the perpetrator, and justice was done.

Abu Zubaydah, [who was] the brains behind the thwarted millennium attacks—

That we were able to block—

and Khalid Sheikh Mohammed, who directed September 11. . . .

The attacks on September 11. KSM, that is his name now for the professionals, Khalid Sheikh Mohammed.

So I believe the Attorney General of the United States, after researching this matter carefully, and after our intelligence agencies gave it thoughtful review, concluded we do not need to have waterboarding now, that these three instances were justified.

Attorney General Mukasey, a former Federal judge—approved overwhelmingly by the Senate—was asked to make an opinion on waterboarding. He said he believed those actions were justified under those circumstances, and he would not say we would never ever do it again in the future. He said circumstances would determine how you handle those kinds of situations.

Let me note, again, for a lot of people, these are not honest and legitimate soldiers of a nation state. The people who are subjected to this procedure are persons who are unlawful combatants. They are persons who do not fight according to the rules of war, and they do not wear uniforms. They deliberately attack civilian personnel. They do it through subterfuge and violence, and their goals are outside all rules of warfare. Until some recent cases, they were clearly considered not to be provided any protections under the Geneva Conventions.

So I will say, Madam President, we hate to talk about these things. We wish we did not face the kind of threats from the diabolical terrorists that we do. We wish we did not have to go to war and shoot and kill many of them. But we, as a nation—the Congress; both parties—have authorized that activity. We fund that activity. Our soldiers are out there putting their lives on the line at this very moment to execute that policy, placing themselves in harm's way.

I am glad the Attorney General has reviewed it carefully. I am glad he is able to say waterboarding was utilized only three times, that it had not been used in 5 years. But I am glad he also said he would not say it would never be done again. This would be unwise advice to the enemy we face.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk pursuant to the order relative to S. 2248.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The bill 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 S. 2248, the FISA bill.

Harry Reid, Charles E. Schumer, Sherrod Brown, Daniel K. Akaka, Jeff Bingaman, Thomas R. Carper, Ken Salazar, Sheldon Whitehouse, John D. Rockefeller IV, Richard Durbin, Bill Nelson, Debbie Stabenow, Robert P. Casey, Jr., E. Benjamin Nelson, Evan Bayh, Daniel K. Inouye.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur upon disposition of the remaining amendments pursuant to the previous order and that the mandatory quorum be waived.

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ADDITIONAL STATEMENTS

ALABAMA BLUE RIBBON SCHOOLS

● Mr. SESSIONS. Madam President, I would like for my colleagues to join me in congratulating Forest Avenue Academic Magnet Elementary School in Montgomery, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. I recently met with principal Jan Hill and teachers Jennifer Rodopoulos and Gina Thomase from Forest Avenue, and I thoroughly enjoyed the opportunity to talk with them about education and this great achievement. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal Jan Hill and the many other hard-working faculty and staff have done to receive this high honor. I know that the lives of students at these schools are being changed.

Madam President, I would like for my colleagues to join me in congratulating K.J. Clark School of Mathematics, Science, and Technology in Mobile, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal Dianne McWain and the many hard-working faculty and staff members have done to receive this high honor. I know that the lives of students at these schools are being changed.

Madam President, I would like for my colleagues to join me in congratulating Virgil I. Grissom High School in Huntsville, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal B.T. Drake and the many hard-working faculty and staff members have done to receive this high honor. I know that the lives of students at these schools are being changed.●

TRIBUTE TO DR. KATHERINE MITCHELL

● Mr. SESSIONS. Madam President, I come today to honor one of the great educational leaders of our time: Dr. Katherine Mitchell of Alabama. Dr. Mitchell is nationally acclaimed for her work in developing the Alabama Reading Initiative, ARI. This scientifically based program has not only been of tremendous benefit to students and teachers in Alabama but also in many other States that have modeled their State reading initiatives after ours. I firmly believe that Dr. Mitchell's work will prove to be seen as resulting in the most dramatic improvements in student learning in the last 50 years. Recently, the National Association of Educational Progress, NAEP, test scores were released, showing Alabama to be No. 1 in reading improvement for the fourth grade. Between 2005 and 2007, Alabama's fourth graders made a significant gain of eight points in fourth grade reading. That is the highest gain in the Nation. I must also point out that a number of the States that are right behind Alabama in reading gains are States such as Massachusetts and Florida that have both modeled State reading initiatives after the Alabama Reading Initiative.

I have spoken with Secretary of Education Margaret Spellings many times about Dr. Mitchell's work and the great things happening in Alabama, and she is ecstatic about the innovative ways Dr. Mitchell and her fabulous team have changed education in Alabama and across the country. I am always impressed with Dr. Mitchell's enthusiasm for her work, and her strong desire to motivate and inspire educators wherever she goes. She is a rare and admirable person, and I applaud the many ways she has touched the lives of children and families around the world throughout her life.

It is important to say, and not inappropriate, that Dr. Mitchell is a woman of sincere and strong religious faith and that she has felt that her service is a calling by God. Such a conviction, it is plain to see, has given power to her insight for improving education. An active member of Frazer Memorial United Methodist Church, pastored by

the wonderful John Ed Mathison, she is involved in so many good activities, while receiving inspiration that drives her work. I am sorry to say that Dr. Mitchell is retiring from her position at the Alabama State Department of Education, and I know that this will be a great loss for the State. However, I know Dr. Mitchell too well to ever think that she will be less busy in retirement—she has far too much energy and too much to offer. I look forward to hearing about Dr. Mitchell's ongoing contributions to our Nation with her expertise in education, and I am so thankful that Alabama's students, and America's students, will benefit for years to come from her investment in a program that teaches children how to read.

Thank you, Dr. Mitchell, for your service. Your shoes cannot be filled, I am sure of it, but I am also sure that the team you have so carefully trained will continue to carry on your vision with the same commitment and passion that you have so admirably displayed.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:33 a.m. a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5140. An act to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming and FHA loan limits.

The message was subsequently signed by the President pro tempore (Mr. BYRD).

At 11:16 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4848. An act to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 5140) to provide economic stimulus through recovery rebates to individuals, incentives for business investment, and an increase in conforming FHA loan limits.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 3541. An act to amend the Do-not-call Implementation Act to eliminate the automatic removal of telephone numbers registered on the Federal "do-not-call" registry.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4848. An act to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; to the Committee on Finance.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 283. Concurrent resolution calling for a peaceful resolution to the current electoral crisis in Kenya; to the Committee on Foreign Relations.

MEASURES DISCHARGED

Pursuant to the order of May 27, 1988, the following measure was discharged from the Committee on Banking, Housing, and Urban Affairs, and placed on the calendar:

S. 2062. A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996, to reauthorize that Act, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2616. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2619. A bill to protect innocent Americans from violent crime in national parks.

S. 2615. A bill to extend the Protect America Act of 2007 for 15 days.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5023. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Wood Packaging Material; Treatment Modification" (Docket No. APHIS-2006-0129) received on February 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5024. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing and Revision of Form D" (RIN3235-AJ87) received on February 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-5025. A communication from the Secretary of Energy, transmitting, pursuant to law, a report detailing a plan for the Ultra-Deepwater and Unconventional Natural Gas and Other Petroleum Resources Research and Development Program; to the Committee on Energy and Natural Resources.

EC-5026. A communication from the Deputy Director, Defense Security Cooperation Agency, transmitting, pursuant to law, a report relative to services provided by certain full-time government employees during fiscal year 2007; to the Committee on Foreign Relations.