

resolved by the White House trying to push everybody around.

Let's work together on this issue. We are all working for the same goal: to protect American citizens against acts of terror. Congress is prepared to extend current law, the Protect America Act, by any length for Congress to complete the indepth analysis and negotiations necessary for long-term law broadly supported by the American people. If the President chooses to veto a short-term extension, as he said he would this morning, the responsibility for any ensuing intelligence-collecting gap lies on his shoulders and that of Vice President CHENEY and theirs alone, no one else.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Mr. MCCONNELL. Mr. President, with regard to the Foreign Intelligence Surveillance Act, it passed in the Senate yesterday 68 to 29—an overwhelming bipartisan ratification of the Rockefeller-Bond bipartisan compromise to get us a permanent Foreign Intelligence Surveillance Act in place. There were a number of efforts to weaken the bill on the floor of the Senate. They were all defeated on a bipartisan basis. Most of them were defeated by a margin of 2 to 1.

Over in the House, we have heard from 21 Democratic Members, the "Blue Dogs," who say the House ought to take up this overwhelmingly bipartisan Senate bill and pass it and send it to the President for his signature.

We had an important bipartisan victory just last week on the stimulus package. We have an opportunity to do it again this week on this extraordinarily important piece of legislation.

In thinking about how long we have been dealing with this legislation, we passed a short-term extension back in August. We have had 6 months to figure out what we wanted to do. We passed extremely important legislation—probably the most important piece of legislation we will pass this Congress—yesterday on an overwhelming bipartisan vote. The House of Representatives surely has followed what we have done. There is a bipartisan majority in the House of Representatives for what we did yesterday in the Senate. We know that. There is a bipartisan majority in the House of Representatives to take up and pass the Senate-passed bill in the House of Representatives now. That is what we know. That is what I hope will be done. The House will have an opportunity over the next couple of days to make its decision. But I think the President has correctly assessed the situation and decided we have had ample time to

deal with this legislation, to find out how we felt about it, to vote on it, to make whatever changes people thought were appropriate. And we know there is a bipartisan majority in the House waiting to pass it. I hope they will be given that opportunity later this week.

HONORING OUR ARMED FORCES

MASTER SERGEANT CLINTON W. CUBERT

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a brave soldier from Kentucky who was lost in the performance of his duty. On September 11, 2005—4 years after the brutal attacks that compelled our Nation to fight the war on terror that we still fight today—MSG Clinton W. Cubert was on combat patrol in Samarra in Iraq. An improvised explosive device set by terrorists exploded under his humvee.

Master Sergeant Cubert, of Lawrenceburg, KY, sustained mortal injuries in the blast. He survived to be transported to the Lexington Veterans Affairs Medical Center in Lexington, KY, and was reunited with his family. He passed away on Easter Sunday, April 16, 2006, at the age of 38.

For his valor during service, Master Sergeant Cubert received numerous medals and awards, including the Meritorious Service Medal, the Bronze Star Medal, and the Purple Heart Medal.

Born in Texas, Clinton Cubert moved to Lawrenceburg with his family at an early age. His parents, C.D. and Virginia Cubert, raised a boy who loved the outdoors. As a child, Clinton enjoyed deer hunting, boating, fishing, or just about anything that took him outside.

Clinton enjoyed country music, especially Hank Williams, Jr. He drove what family members kindly called "beat-up" Ford trucks and liked to get under the hood and tinker with them to keep them running until they couldn't go anymore.

Family members called him "Clinton," but he also earned an unusual nickname. Because Clinton was willing to trade his entire lunch for the one food he loved so much, his friends called him "Cornbread."

Clinton met Amy, his wife, in Lawrenceburg when they were both in their early twenties. Amy thought Clinton looked very handsome in his uniform. Clinton and Amy raised two wonderful young women, Alisha Danielle and Sarah Dawn.

Clinton enlisted in the National Guard in 1987 and went on to serve with distinction for nearly 19 years. Normally he worked in the Combined Support Maintenance Shop at the Guard's headquarters in Frankfurt, KY, the State capital. Then, in January 2005, he was deployed in support of Operation Iraqi Freedom. Assigned to the 2113th Transportation Company, he became platoon leader of that unit's newly created 4th Platoon.

For Clinton's commanding officer, CPT William Serie, Clinton was his

first and most obvious choice. "[Master Sergeant Cubert] was the most dedicated in making sure his soldiers were trained, equipped and ready," he says. "People use the word 'dedicated' and 'outstanding' and things of that nature, but I don't think those words really express what he did for us. He was truly a person that was outside the mold."

In Iraq, Master Sergeant Cubert trained with 30 members of his platoon in combat tactics so that the units they protected in transit would arrive at their destinations safely. Captain Serie tells us that Clinton was innovative in devising new ways for soldiers to do their jobs more safely and efficiently.

"I believe that God puts special people in our lives to show us what we are capable of," Captain Serie says. "Clinton was that type of leader."

When Clinton was injured, the Army contacted Amy, and she flew to Germany to see her husband. Younger daughter Sarah was the first to answer the phone. At the age of 12, she wrote an essay for school about the terrible day her family received the news. "I was looking in the mirror thinking all questions," Sarah wrote. "Like the obvious ones—why us? Why now? But also the ones that are only thought by a daughter—who is going to walk me down the aisle? Who is going to give me hugs like him? Who is going to dress me up in camouflage flannels and take me hunting?"

We grieve today along with the Cubert family for their loss. Clinton leaves behind his wife Amy; his daughters, Alisha and Sarah; his sisters, Linda Lou Martin, Nancy Marie Robinson, Julie Ann Dent, and Peggy Ann Cubert; his brother Steven Wayne Cubert, and many other beloved family members and friends. Clinton was predeceased by his parents, C.D. and Virginia Cubert.

Clinton was taken from his loved ones before his time, but it must have been a blessing for them that he was able to come home and say goodbye. I am sure they will treasure forever every moment spent with Clinton. "No one will forget his laughter," wrote his daughter Sarah, "like the boom of gunshots during the funeral or the bagpipes playing Taps."

This Senate will not forget MSG Clinton Cubert's bravery and service. Kentucky and the Nation are richer for his contributions to freedom's cause.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, in brief response to the distinguished Republican leader's remarks about the FISA extension, I acknowledge the bill passed yesterday. I voted against it, and I voted against cloture on the bill, but it was a bipartisan passage. I understand that. I don't dispute that. I saw what the numbers were. The bill was changed a little as it came from the committee, but it passed. It was bipartisan. I recognize that.

But the efforts made to extend this should be bipartisan. The House is going to do what they do, and they are going to send us a piece of legislation. They have not had time—I have spoken to the Speaker, and she has not had time, through her committees, for them to come up with the necessary work to have a conference that is meaningful because they are not ready for that. So they are going to send us a message and we are going to have to act on that.

If we pass it, it will not be what the President wants. If we have a little more time, the House, which has been working recently with the White House quite well on the stimulus package and other things, maybe could work something out. But you can't create something out of nothing, and that is what the President wants. He is looking for an excuse to wave his banner of "be afraid, terror." That is what he and the Vice President have done.

We understand the law is important. We believe it should be extended for a short period of time. If it is not extended, it is not the fault of the Congress, it is the fault of Bush and CHENEY. We are doing everything we can to work this out. If it doesn't pass in the manner he wants, and it won't in the next few days—he wants total immunity for these phone companies that have cooperated or haven't cooperated with him, whatever the evidence shows. So I repeat, if we don't get an extension, the law will lapse. It is not the fault of the Congress, it is the fault of the White House.

Mr. President, I think we should announce what we are going to be doing here today.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with the time equally divided.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have reserved time, 15 minutes, to speak in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. FEINSTEIN. I thank the Chair.

CIA INTERROGATIONS AND ARMY FIELD MANUAL

Mrs. FEINSTEIN. Mr. President, yesterday was a big day before the Senate. We had the Foreign Intelligence Surveillance Act bill. Today is an even bigger day because the intelligence authorization bill is going to be before

the Senate, and today we will grapple with something that I think should be major in our consciousness and major in our deliberations. It is central to who we are as a nation. The question is whether the United States should continue to go to the "dark side," down the road of torture, and continue to allow the CIA and other intelligence agencies to practice or outsource state-sanctioned torture. To me, the answer is clear, and I hope it is to everyone. The answer should be no.

Today we are living in a legal limbo, where the rules are shrouded by ambiguity. The time has come to change this once and for all. The way to do it is to support the fiscal year 2008 intelligence authorization bill, which would prohibit all interrogation techniques by the CIA and place the intelligence community under the uniform standard of the Army Field Manual. If that bill passes, and it has passed the House of Representatives, if it passes here today, we have a uniform standard for the entire American Government with respect to coercive interrogation techniques.

The Army Field Manual, which looks like this, has 19 interrogation protocols. They are proven, they are flexible, and they are effective. The CIA interrogation program, on the other hand, I believe, is immoral, illegal, sometimes ineffective, and often counterproductive. I wish to simply read something which appeared in the newspapers, and what this says is:

The book on interrogation has been written. We just need to follow it.

And they refer to this book, Mr. President.

Cruel and inhuman and degrading treatment of prisoners under American control makes us less safe, violates our Nation's values, and damages America's reputation in the world. That is why, in 2004, the bipartisan 9/11 Commission called for humane treatment of those captured by the United States Government and our allies in the struggle against terrorism. Congress and the Pentagon responded with clear and comprehensive new rules for the military so that interrogation techniques practiced by the military today are both humane and effective. But not all United States agencies are following these rules. Congress should require the entire U.S. Government and those acting on its behalf to follow the Army Field Manual on Human Intelligence Collector Operations. Doing so will make us safer while safeguarding our cherished values and our vital national interests.

This was signed by Zbigniew Brzezinski, Warren Christopher, Lawrence Eagleburger, Slade Gorton, Lee Hamilton, Gary Hart, Rita Houser, Karla Hills, Thomas Kean, Anthony Lake, John Lehman, Richard Leon, Robert McFarlane, Donald McHenry, Sam Nunn, Thomas Pickering, Ted Sorensen, and John Whitehead. It is a bipartisan group that has come out with this, and I believe we should absorb it and use that information.

The Army Field Manual provision has the support of the Intelligence Committees. I offered the amendment in the conference between the House

and the Senate on the intel authorization bill. It was passed by the Senate and it was passed by the House, and it is part of the bill, and as I said, the House has passed their bill. The amendment was the subject of passionate and considered debate in Congress. It has unique support—18 former security officials, as I have said—and this Army Field Manual was issued in its current form by the Department of the Army in September of 2006. It followed the requirements of the Detainee Treatment Act, and it applies uniformly across all elements of the military and civilian elements of the Department of Defense.

The manual was published after more than 3 years of drafting and coordination. This was the most scrutinized field manual the Army has ever produced, including reviews and comments by every relevant Pentagon office, every combatant commander, the White House, the DNI, the CIA, and the Defense Intelligence Agency. The Departments of Justice and State have also concurred with the manual's guidance. For the first time ever, the Army consulted with Congress in the persons of Senators MCCAIN, WARNER, and LEVIN in drafting the manual.

The manual complies with the Uniform Code of Military Justice, the Geneva Conventions, and the Detainee Treatment Act. There is perhaps no more authoritative figure on the manual than our commanding officer in Iraq, GEN David Petraeus. In a response to a survey showing that American troops in Iraq would consider torture in order to save their comrades, Petraeus wrote to the entire multinational force on May 10, 2007, and here is some of what he said:

Certainly, extreme physical action can make someone "talk"; however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

Now, what does the manual do? It specifically authorizes 19 approaches—you could call them interrogation techniques—and they are well thought out and each one is several pages on how to apply it. One of them can only be used on unlawful army combatants with the prior approval of the combatant commander. These techniques describe ways to build rapport with the detainee in order to get him or her to share information.

GEN Michael Maples, the Director of the DIA, recently rebutted the contention that the Army Field Manual wouldn't have covered the interrogation method used by an FBI special agent to get Saddam Hussein to finally come clean that he had no weapons of mass destruction.

So the manual specifically prohibits eight techniques, and here is what they are:

Forcing a detainee to be naked, perform sexual acts, pose in a sexual manner; placing hoods or sacks over the