

Erma Ora—who would stand with him her entire life and was just as beloved as he was in West Virginia and in Washington. Senator BYRD always knew Erma's greatness saying she was not only his wife but his best counselor.

Speaking of West Virginia, the Senate knew from his first days here that he would advocate fiercely for the citizens of our State and throughout the years would bring prosperity to West Virginia.

While they knew these things in 1959, today we know Senator BYRD as the conscience of the Senate. We know him as the Senator with the greatest longevity. In West Virginia we now know him as the West Virginian of the 20th century and I am glad the Nation has had the opportunity to get to know Senator BYRD over these last 50 years.

I know my colleagues join me in congratulating Senator BYRD on a record-setting 50 years in the Senate. Senator, I wish you many more.

Mr. DURBIN. Madam President, I want to join Senator REID and all of my colleagues in congratulating Senator ROBERT BYRD on reaching yet another historic milestone in his lifetime of public service.

In the history of the U.S. Senate, only one Senator, ROBERT CARLYLE BYRD, has served for 50 years.

A half century of service to his State, our Nation, this institution, and our Constitution. That is a remarkable achievement and one that we are not likely to see again for a very long time.

Senator BYRD is, of course, a great student of history and the author of the definitive work on the history of the Senate. In fact, one could say that ROBERT C. BYRD is Senate history.

Senator BYRD has served with (not under, with) 11 Presidents—very soon to be 12 Presidents.

He was the first U.S. Senator ever to cast 15,000 votes, and he is the only Senator ever to cast 18,000 votes.

Senator BYRD has served as majority leader, and held more leadership positions than any Senator in history.

To help put the length of his service in perspective, consider a few facts:

When Senator BYRD cast his first vote in the Senate—on January 8, 1959—his colleagues included Senators John Kennedy and Lyndon Johnson. Vice President Richard Nixon was the Presiding Officer. Hawaii was not yet a State. And a state-of-the-art computer would have taken up half of the space of this Chamber and had roughly the same amount of computing power as a Palm Pilot.

He has been a candidate for election 13 times—10 times as a candidate for the Senate and 3 times as a candidate for the House. He won every time.

And he has become perhaps the most popular political figure in West Virginia history. He was named West Virginian of the Century by the residents of his home State.

Senator BYRD's recent reelection to this body is a testimony to West Vir-

ginians' enduring respect and admiration for this proud son of "the Mountain State."

It is an honor to serve with this giant of Senate history, and to share with him this milestone. Again, I commend him and congratulate him.

Madam President, 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.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Madam President, I would like to offer my very sincere and heartfelt congratulations to the President pro tempore of this body, Senator ROBERT BYRD. He has served in the body for 50 years. I have had the privilege of working on the Appropriations Committee with him. There has been no one who has been more faithful to the Constitution, to the goals of the Senate or who has served this Senate more honorably. I wish to say congratulations, Mr. Chairman. May you have many more years.

LAWFUL INTERROGATION AND DETENTION ACT

Mrs. FEINSTEIN. Madam President, I would like to speak—and I am joined on the floor by my comember of the Intelligence Committee, Senator RON WYDEN, who will also speak on this issue—about the bill that Senators ROCKEFELLER, WYDEN and WHITEHOUSE and I introduced yesterday. It is the Lawful Interrogation and Detention Act.

I began this effort some time ago because I believe very strongly it is time to end the failed experiment at Guantanamo. It is time to repudiate torture and secret disappearances. It is time to end the outsourcing of coercive interrogations to outside contractors.

I believe it is time to return to the norms and values that have driven the United States to greatness since the days of George Washington but have been tarnished in the past 7 years. That is what both Senator WYDEN and I hope this bill will do.

I have sent a copy of it to President-elect Obama's transition team. I have had occasion to talk with him about it and indicated that we look to work closely with him.

What this bill would do is require the President to close the detention facilities at Guantanamo Bay within 12 months. The need to close this facility is clear. Along with the abuses at Abu Ghraib, Guantanamo has been decried throughout the world. It has helped our enemies recruit, it has reduced America's credibility worldwide, strained relationships with our allies, and created a misguided dual legal system.

Additionally, the Supreme Court now has ruled four times that the proce-

dures put in place at Guantanamo are illegal. First, in *Rasul v. Bush*, the Court ruled the administration could not hold detainees outside U.S. law on Guantanamo soil; second, *Hamdi v. Rumsfeld*, in which the Court ruled the Government could not detain a U.S. citizen without due process and struck down the executive's process of labeling detainees as unlawful enemy combatants; third, *Hamdan v. Rumsfeld*, in which the Court struck down the administration's process for trying detainees outside the civilian legal system or the Uniform Code of Military Justice; and most recently in *Boumediene*, in which the Court ruled that detainees must be afforded habeas corpus.

Guantanamo was explicitly created to be a separate and lesser system of justice, to hold people captured on or near the battlefield in Afghanistan indefinitely. In 7 years, it has produced three convictions, including Australian David Hicks—who agreed to a plea bargain to get off the island, and Osama bin Laden's driver, Salim Hamdan, whose sentence is almost already up.

The hard part about closing Guantanamo is not deciding to go do it; it is figuring out what to do with the remaining detainees. Under the Lawful Interrogation and Detention Act, the approximately 250 individuals now being held there would be handled in one of five ways.

No. 1, they can be charged with a crime and tried in the United States in the Federal civilian or military justice systems. These systems have handled terrorists and other dangerous individuals before and are capable of dealing with classified evidence and other unusual factors.

Second, individuals could be transferred to an international tribunal, if such a tribunal exists.

Third, detainees could be returned to their native countries or, if that is not possible, they could be transferred to a different country.

To date, more than 500 men have been sent from Guantanamo to the custody of other countries. Recently, Portugal and other nations have suggested they would be open to taking some of the remaining detainees as a way to help close Guantanamo. That is good news.

If there are detainees who cannot be charged with crimes or transferred to the custody of another country, there is a fourth option. If the Secretary of Defense and the Director of National Intelligence agree an individual poses no security threat to the United States, the U.S. Government may release him. This may work, for example, for the Chinese Uighurs remaining at Guantanamo. I believe five or six Uighurs have already been released. The District Court for the District of Columbia has ordered that the remaining 17 Uighurs be released into our country. That decision has been stayed upon appeal.

Finally, for detainees who cannot be addressed in any one of the other four

options, the executive branch could hold them under existing authorities provided by the law of armed conflict.

I believe these options provide sufficient flexibility to handle the 250 or so people now being held at Guantanamo. If the incoming Obama administration decides that other alternatives are needed, I hope they will come to the Congress, explain the specifics of the problem, and we will work toward a joint legislative solution.

The three other provisions in the legislation end parts of the CIA's secret detention and interrogation program.

Some of the details of the program are already publicly known, such as the use of waterboarding on three individuals some years ago. Other aspects remain secret, such as the other authorized interrogation techniques and how they are used.

There have been public allegations of multiple deaths of detainees in CIA custody. There was one conviction of a CIA contractor in the death of a detainee in Afghanistan, but other details remain classified.

But it is well known that on August 1, 2002, the Justice Department approved coercive interrogation techniques, including waterboarding, for the CIA's use. This, despite the fact that the Justice Department has prosecuted the use of waterboarding, and the State Department has decried it overseas.

The administration used what I believe to be faulty logic and faulty reasoning to say that waterboarding was not torture. In fact, it is.

We will never turn this sad page in our Nation's history until all coercive techniques are banned and are replaced with a single, clear, uniform standard across the U.S. Government. I cannot say that too strongly.

That standard established by this legislation is the interrogation set of protocols outlined in the Army Field Manual.

This is the field manual. It is not a casual document. It has been developed and revised over a period of time. It contains 19 specific interrogation techniques. They work for the military and operate under the same framework as the time-honored approach of the FBI. If the CIA would abide by its terms, it would work for the CIA as well.

These techniques were at the heart of former FBI Special Agent Jack Cloonan's successful interrogation of those involved in the 1993 World Trade Center bombing. They were also the tools used by Special Agent George Piro to get Saddam Hussein to provide the evidence that resulted in his death sentence.

We have powerful expert testimony that the Army Field Manual techniques work against terrorist suspects. The manual's use across the Government is supported by scores of retired generals and admirals, by GEN David Petraeus, and by former Secretaries of State and national security advisers of both parties.

Majorities in both Houses of Congress passed this provision last year as part of the fiscal year 2008 intelligence authorization bill. I offered that amendment, as I believe Senator WYDEN will remember, in the joint conference between the House and the Senate Intelligence Committees, and it was added to the bill.

It sends a clear message that we do not support coercive interrogations. But, regrettably, the President's veto of the bill stopped it from becoming law.

The President-elect agrees that we need to end coercive interrogations and to comply strictly to the terms of the Convention Against Torture and the Geneva Conventions. So we look forward to working with him to end this sad story in our Nation's history.

The third part of this legislation is a ban on contractor interrogators at the CIA. Now, this is interesting. Unlike the FBI, where FBI agents do their own interrogations, CIA agents do not carry out all their interrogations. They hire contractors to do so. As General Hayden has testified, the CIA hires and keeps on contract people who are not intelligence professionals and whose sole job is to break detainees and get them to talk.

Now, I firmly and staunchly believe that outsourcing interrogations, whether coercive or more appropriate ones, to private companies is a way to diminish accountability.

I also believe the use of contractors leads to more brutal interrogations than if they were done by Government employees.

Think about it. You can have a set of interrogation practices and, dependent upon who administers them and the length of time they are administered and the combination in which they are administered, they can have very different effects on an individual.

There are surely areas where paid contractors make practical and financial sense. Interrogation, a form of collecting intelligence, is not one of them.

The fourth and the final provision in this legislation requires that the CIA and other intelligence agencies provide notification to the International Committee of the Red Cross, the ICRC, of their detainees. Following notification, the CIA will be required to provide International Red Cross officials with access to detainees in the same way the military does.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. Access to a third party and the ICRC, in particular, was seen by the United States in 1947 as a guarantee that American men and women would be protected if they were ever captured overseas.

I believe it still remains that guarantee.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But this is a war that will be won by fighting smarter, not sinking to the depths of our enemies.

Our Nation has paid an enormous price because of these interrogations. They cast shadow and doubt over our ideals and our system of justice. Our enemies have used our practices to recruit more extremists. Our key global partnerships crucial to winning the war on terror have been strained. It will take time to resume our place as the world's beacon of liberty and justice. But I deeply believe, and the cosponsors believe, this bill will put us on that path and start the process.

So I urge its passage. I ask unanimous consent to have printed in the RECORD the history of this legislation and the matters it contains.

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

LEGISLATIVE ACTIVITY ON GUANTANAMO AND CIA INTERROGATIONS

April 30, 2007: Introduced the first Senate legislation to close Guantanamo (co-sponsors: Dodd, Whitehouse, Kennedy, Clinton, Kerry).

July 11, 2007: Introduced amendment to close Guantanamo to the FY08 Defense Authorization bill. Amendment blocked from receiving Floor consideration. (co-sponsors: Harkin, Dodd, Clinton, Brown, Bingaman, Kennedy, Whitehouse, Obama, Salazar, Durbin, Byrd, Biden, Hagel, Boxer, Feingold).

December 5, 2007: Offered amendment to restrict CIA to Army Field Manual interrogation techniques to the FY08 Intelligence Authorization conference report. Amendment adopted, passed in conference report by House and Senate, vetoed by President Bush March 8, 2008. (amendment co-sponsors: Hagel, Whitehouse, Feingold).

August 1, 2008: Introduced legislation restricting the CIA to the Army Field Manual, banning contractor interrogations, and providing access to detainees to the ICRC (co-sponsors: Rockefeller, Whitehouse, Hagel, Feingold, Wyden).

January 6, 2009: Introduced legislation to close Guantanamo, restricting the CIA to the Army Field Manual, banning contractor interrogations, and providing access to detainees to the ICRC (cosponsors: Rockefeller, Wyden, Whitehouse).

Mrs. FEINSTEIN. Now I will defer to my distinguished friend, my colleague, the Senator from Oregon, the Honorable RON WYDEN.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I am very pleased to be able to be out on the Senate floor today with our incoming chair of the Intelligence Committee to discuss this legislation. Senator FEINSTEIN and I have sat next to each other on the Intelligence Committee now for I think about 8 years. We have talked about this issue on many occasions. I commend the Senator from California for all of her leadership.

This is the right way to start off our committee on breaking with the last 8 years of flawed policies that have been of dubious effectiveness and dubious legality. I am very pleased, honored to be one of our cosponsors, and I note that our outgoing chair, Senator ROCKEFELLER, is one of our cosponsors, and SHELDON WHITEHOUSE, the distinguished Senator from Rhode Island, is one of the cosponsors and is a great addition to our committee as well. So I

thank the chair for all of her leadership.

What I think Senator FEINSTEIN has touched upon, and very thoughtfully, is, if you share our view that it is possible to fight terrorism ferociously without compromising American laws or American values, you must, as Senator FEINSTEIN has correctly stated, you must be smarter in order to strike that balance in a dangerous world.

Regrettably, this administration has not been willing to show this sort of wisdom. All too often for the last 8 years the administration has engaged in complicated legal gymnastics to justify antiterrorism programs that, in my view, are of questionable effectiveness, questionable legality. Today, the incoming chair of our committee, Senator FEINSTEIN, is helping us with this important legislation. The Lawful Interrogation and Detention Act is helping us to right the balance and show the country that with smart antiterrorism policies we can effectively fight the war against terrorism and at the same time restore our moral authority and protect our values.

I will tell you, based on the information I have seen again and again, and what we are told by military leaders, these coercive techniques simply are not effective. General Petraeus, for example, has discussed with respect to soldiers in Iraq, that coercive techniques may be usable in terms of forcing someone to talk, but that does not necessarily mean the person will say something that protects American security.

Senator MCCAIN, our distinguished colleague from Arizona, has made much of the same point. Certainly, the use of these techniques in a number of instances can be detrimental to our national security. Certainly, the techniques have discouraged allies in the past from cooperating with us and, frankly, in my view, they serve as something of a recruiting poster for our enemies.

One of the areas I hope to pursue in the future, not as part of this legislation but working with our incoming chair, working with our ranking minority member, Senator BOND, and the administration of the President-elect, is I hope to be able to declassify a significant portion of the history of this program, particularly the legal underpinnings of this program, so the American people will actually be able to see that much of what has been done in the last 8 years simply is not as effective in the war against terrorism as the American people deserve.

Certainly, it is important to recognize that when Americans are captured abroad in the future, international standards of prisoner treatment, particularly the Geneva Convention, will sometimes be the only shield they have. These standards have evolved from hopeful ideals into widely observed rules of conduct, partly because the most powerful country on Earth has led by example.

Anytime our Government attempts to dodge these standards, it weakens them, and it increases the risk of abuse for our prisoners. The fact that our worst enemies have horrifying and barbaric methods for dealing with prisoners does not, in my view, make these methods useful or legitimate.

I am confident that President-elect Obama is not going to engage in many of the practices that we have seen in the last 8 years. But I certainly want to pass legislation that codifies these important principles and makes sure that none of his future successors engage in these practices. That means you have to make the laws plain; you have to make them strong. This legislation will make them plainer and stronger than they are today. I would submit that is essentially what Senator FEINSTEIN has been working for all these past years.

I want to mention a couple of the other provisions. I was struck by Senator FEINSTEIN's comment with respect to the use of contractor interrogators at the CIA. As Senator FEINSTEIN noted, we do not get to have a lot of open sessions in our Intelligence Committee. That is for obvious reasons; we are dealing with classified material. But I have felt, as Senator FEINSTEIN, very strongly about this topic and actually raised this concern with Admiral McConnell at his confirmation hearing to head our intelligence service. I remain concerned about this issue, and that provision in the Feinstein legislation is especially important, in my view, because interrogators must be accountable. Under the clear language with respect to these interrogators in the Feinstein legislation, that will be the case.

Finally, let me comment on the provision that closes the prison at Guantanamo. During the past 8 years, I was concerned about the potential impact of this legislation and this provision. I was concerned at that point because it was not clear to me that President Bush had a competent plan for dealing with all of the prisoners currently held there.

I was concerned that closing Guantanamo could simply lead to a massive upswing in extraordinary rendition. Fortunately, President-elect Obama is working on a different strategy for dealing with those prisoners at Guantanamo, so I no longer have the same concern that under his administration we would simply have prisoners handed over to foreign countries that would torture them. I have long believed that if you looked at the intent of the Bush administration in this area, they sought to create a prison at Guantanamo Bay that would be under U.S. control but beyond the reach of U.S. law. Now the Supreme Court has definitively ruled that constitutional protections apply to people at Guantanamo Bay. So I would hope that even the prison's strongest advocates would say it serves no useful purpose.

The combination of the clear language in the Feinstein legislation we

discuss today and that President-elect Obama is looking at a comprehensive plan for dealing with the prisoners at Guantanamo leaves me with a reassurance that there is a chance to close this prison and do it in a responsible fashion that will protect America's national security interests.

There are four of us who are sponsoring this legislation. We have sought for many months to get these issues of interrogation and Guantanamo right. We have consistently tried to pursue this in a bipartisan fashion. We are going to continue to do so in this session.

I believe, under the leadership of our incoming chair, it is going to be possible to get our Nation's counterterrorism program back on a firm legal and operational footing and prevent the mistakes of the past from being repeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the Senator. We are both westerners. We did sit together for about 8 years on the committee. As such, I have had a chance to discuss a great deal about this topic. It is a matter of very deep conscience and a sense of values of everything this Nation stands for, the thing that sets us apart from many other countries who pick people up and do horrible things to them. We don't do that. We have always had such pride in that. The Senator hit a nail on the head. People may talk, but they can say anything they want. It is not necessarily valuable. It is not necessarily actionable intelligence. Sometimes it might be. But there are other ways of doing this and not sacrificing the values we hold dear. The nearest tool to achieve that is the Army Field Manual.

It has been great for me to work with the Senator from Oregon, and I look forward to working with him in the future. I thank him very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that I be allowed to speak for such time as I may consume in morning business.

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

Mr. WHITEHOUSE. Thank you, Madam President.

I come to the floor today to offer my support for S. 147, the Lawful Interrogation and Detention Act, which my very distinguished colleagues, Senator FEINSTEIN of California and Senator WYDEN of Oregon, have just spoken about.

This bill would do three very important things. The first is force the closing of the interrogation and detention activities at the Guantanamo Base. I have supported previous legislation that would do this. I enthusiastically support this legislation to do it.

The Bush administration has created a pretty significant mess with the activities down at Guantanamo. Unfortunately, some things you can snarl up so tightly that it becomes very difficult to unsnarl them, and I am afraid that is exactly the situation with Guantanamo. It will be difficult to unsnarl. It is a real challenge for the incoming administration. But it is vital that we do so because it has become a symbol to the rest of the world of America's departure from our core principles. So I am enthusiastically in support of that provision.

Another provision would restrict our interrogation activities to those techniques that are permitted under the Army Field Manual. In effect, it would end our embrace of enhanced interrogation techniques—indeed, torture.

In support of this notion, I would cite GEN David Petraeus, the Commander of the Multi-National Force in Iraq in 2007, who at the time wrote a letter to all U.S. military forces in Iraq. In that letter, he said this:

Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. 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.

We have heard arguments that, well, you can't really rely on military interrogators. They don't really know what they are doing. They are amateurish. They need the limitations of the Army Field Manual. By contrast, the interrogators of the CIA and of our intelligence community are experts and much more sophisticated and adept and don't need to have the Army Field Manual restricting them, as if it is some sort of a learner's permit for interrogation.

If you look at the facts, the reverse is actually true. It is the military that has officers with literally decades of experience interrogating enemy prisoners, interrogating enemy prisoners in situations where their fellow soldiers' lives are on the line, where men and women will die or live because of the information they are able to elicit. Notwithstanding those high stakes, they live by the terms of the Army Field Manual. By contrast, we know that the CIA really did not know much about interrogations, that when they got into the business, they had to learn about it. The place they chose to learn was from the SERE Program, a pro-

gram designed to train American soldiers, airmen, sailors and marines who are likely to be captured by enemies that engage in torture how to be prepared for that, how to withstand it. So for training purposes, to prepare them for these ordeals, they used the interrogation techniques of despot, tyrant nations—North Korea, Communist China, Soviet Russia. For some reason, that was where our intelligence community thought it needed to go for expertise in how you interrogate prisoners, never minding the fact that the purpose of those despot regimes was not to interrogate prisoners and get actionable intelligence information; it was to torture those prisoners so they would say things and produce propaganda for those tyrant regimes.

So the notion that the military is a bunch of amateurs in intelligence who need the constraint of the Army Field Manual to prevent them from making amateur errors and the CIA is a bunch of clever, crafty experts who can operate at a graduate level for all of this is absolutely backward.

The damage that has been done to our country by this decision is, in my opinion, incalculable. When I think of the choice that was made to go this road, I am reminded of a phrase of Winston Churchill's. He describes a bad and dangerous decision that leads to worsening consequences in this way. He describes it as going down "the stairway which leads to a dark gulf. It is a fine broad stairway at the beginning, but after a bit the carpet ends. A little farther on, there are only flagstones, and a little farther on still these break beneath your feet." That is where we stand now, in this dark, descending stairway, with flagstones crumbling beneath our feet and the world looking on in horror at our departure from our core principles. I believe this legislation will help turn us back away from that dark and descending stairway, back into the light of our own best principles and the good will of our fellow nations.

America has not only suffered grievous and lasting harm from this administration's embrace of torture but also from this administration's embrace of torture's handmaiden. Torture's handmaiden, of course, is secret detention.

The bill Senator FEINSTEIN and Senator WYDEN are proposing would require the International Committee for the Red Cross to have access to any prisoners held by the intelligence agencies. The ICRC has been visiting detainees in connection with armed conflict since 1915, nearly a century. In 2007, the ICRC visited over half a million detainees in 77 different countries to ensure respect for their life, dignity, and fundamental right to judicial guarantees. All of those notions are enshrined in our own Constitution. They are our national bedrock.

Thirty-eight retired military leaders, distinguished generals and admirals, have concluded that the ICRC access to

prisoners held by our Government is a "critical measure to ensure continuing respect for the norm that [ICRC] access must be provided to all captives in wartime." This letter comes from battle-field warriors and intelligence officers who participated in every major American conflict from World War II until today. One of them, less than 3 years ago, was a member of our Joint Chiefs of Staff. They understand that this is important, and they understand why.

If we go down the corridors of history and survey the evil practices of tyrant regimes, we find one of their most notorious methods of coercion and subjugation is holding prisoners secretly and incommunicado. From the oubliettes of the Bourbon Kings of France to Calcutta's Black Hole, from the Gestapo's secret prisons to the Soviet gulags, from medieval dungeons to the bamboo cages of the Cambodian killing fields, secret and anonymous imprisonment has always been the hallmark of the despot. And now the Bush administration has stamped America with this shameful mark.

Our military leaders who are in the best position to judge are pushing back and saying "enough." Why do they do that? I think they do that because they are not beguiled by the force of arms. They live with the likelihood of armed conflict, of injuries, of fatalities. They understand that we engage in that to defend principles, and to give away those principles without a shot fired accomplishes the very harm that we have a military, that we have intelligence services to protect us from.

What is it, we ask ourselves, that makes our country great? Whence cometh our strength? For centuries, America has been called a "shining city on a hill." We are a lamp in the darkness to other nations. One of our greatest Senators, our friend TED KENNEDY, on the occasion of I believe his 15,000th vote in this institution said America is not a land, it is a promise. Torture, anonymous detention, and secret cells break that promise, extinguish that lamp, and darken that city on a hill.

Our strength as Americans comes from the fact that we stand for something. Our strength comes from the aspirations of millions of people around the globe who want to be like us, who want their country to be like ours, who want to believe in what we believe in. Our strength comes when we embody the hopes and dreams of mankind. Our strength comes, as President Clinton said, not from the example of our power but from the power of our example.

I believe Senator FEINSTEIN's legislation will restore across this darkening world the power of America's example, turn us back from that dark and descending stairway, and restore us to the place where America belongs as an ideal and an example for other nations. I appreciate Senator FEINSTEIN's hard work in putting this legislation together. I appreciate the support of Senator WYDEN.

Many months ago, I offered the first amendment in the Intelligence Committee that would apply the Army Field Manual to interrogation techniques used by our intelligence agencies, and Senator FEINSTEIN was kind enough to cosponsor that amendment. We worked together in conference to get that amendment passed into legislation that was subsequently vetoed. I submitted the International Committee of the Red Cross access provision last year.

I cannot find words strong enough to explain the strength of my view about the things we sacrifice for whatever small, short-term, tactical intelligence advantage we may achieve from torture and secret cells, assuming there even are any. Most intelligence professionals believe that what you get from torture is people who will say anything to get away from the pain. But let's assume there is some value to it for the sake of argument. I cannot find words strong enough to explain how overwhelmed that small tactical value is by the loss of our reputation and our standing and the confidence and trust of our friends and allies when we engage in behaviors that have been associated with despots and tyrants and the worst of history's regimes.

Let's put this behind us. Let's support this bill. As we go through this time of transition in American Government, let's also go through a time of transition in America's reputation in the world.

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

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. HARKIN. Madam President, I want to join my colleagues today in honoring the extraordinary service and accomplishments of the senior Senator from West Virginia, the Honorable ROBERT C. BYRD. It was exactly 50 years ago today, on January 7, 1958, that he was first sworn into the Senate. Senator BYRD is the longest serving Senator in U.S. history, and he truly is a living legend in this institution that he loves so dearly and defends so fiercely.

The Almanac of American Politics says: ROBERT BYRD "may come closer to the kind of Senator the Founding Fathers had in mind than any other."

I couldn't agree more. He is a person of wise and mature judgment, a patriot with a deep love of his country. He is passionately loyal to the Constitution and a fierce defender of the role and prerogatives of Congress and the Senate in particular.

Senator BYRD was once asked how many Presidents he had served under. He answered that he had not served under any President, that he had served with 10 Presidents as a proud member of a separate and coequal branch of Government. During his five decades in this body, Senator BYRD has witnessed many changes our country has gone through. Think about it. Our population since 1958 has grown by 125 million people. There have been new technologies.

I was thinking about this. In 1958, I graduated from high school in Des Moines, IA. The year before the Russians had launched Sputnik, and we were trying to catch up. We had not established ourselves in space. I was out of high school that summer, getting ready to go to college. I found a job working on this new construction project called the interstate highway system which was just beginning at that time. Jet air travel was just starting. I remember my first flight. The airplane was propeller driven. We didn't have jet aircraft. There were some in the military, but it hadn't started for commercial air travel at that time. We had no computers, no cell phones, and nine out of ten TV sets were black and white. That was 1958, the year ROBERT BYRD came to the Senate. There have been many changes that have happened over the last 50 years.

Across this half century of rapid change, there has been one constant—Senator BYRD's tireless service to this country, his passion for helping bring new opportunities to the people of West Virginia, and his dedication to this institution, the Senate of the United States.

Senator BYRD is a person of many accomplishments and a rich legacy. But above all, I will mention his commitment to improving public education and expanding access to higher education, especially for kids from poorer families. As many of my colleagues know, ROBERT C. BYRD was raised in the hardscrabble coalfields of southern West Virginia. That is one thing he and I have always talked about. My father was a coal miner also in the State of Iowa. His family was poor but rich in values and faith. His parents nurtured in ROBERT BYRD a lifelong passion for education and learning. He was valedictorian of his high school class but too poor to go to college right away. Those were the days before Pell grants and Byrd scholarships. So he worked as a welder in a shipyard, later as a butcher in a coal company town. It took him 12 years to save enough money to start college. He was a U.S. Senator when he earned his law degree.

No other Member of Congress before or since has started and completed law school while serving in the Congress. But degrees don't begin to tell the story of the education of ROBERT C. BYRD. He is the ultimate lifetime learner. It is as though for the last 50 years he has been enrolled in the Rob-

ert C. Byrd school of continuing education. You won't get a better, more thorough education at any school, Harvard, Yale, or anywhere else.

Senator BYRD's erudition has borne fruit in no less than nine books he has written and published over the last two decades. He literally wrote the book on the Senate, a masterful four-volume history of the institution that has become a classic. What my colleagues may not know is that he also authored a highly respected history of the Roman Senate. For those of us who have been here—in my case 24 years—we have listened, either here on the floor or later when we got television, on closed circuit in our offices, to the many speeches ROBERT BYRD gave about the Roman Senate, wonderful descriptions of the Roman Senate and how it operated. We could hear how he weaved in the operations of our own Senate. There are some who think ROBERT C. BYRD actually served in the Roman Senate. But that part of the BYRD legend I can absolutely say is not true.

I have talked at length about Senator BYRD's education because it explains why he is so passionate about ensuring that every American has access to quality public education, both K-12 and higher. The one thing Senator BYRD and I have in common is our fathers were coal miners with very little formal education. Coming from a poor background, Senator BYRD believes, as do I, that a cardinal responsibility of Government is to provide a ladder of opportunity so that everyone, no matter how humble their background, has a shot at the American dream. I said ladder of opportunity; I didn't say an escalator. On an escalator, you get a free ride. You get on and you get a free ride. But with a ladder of opportunity, you still have to exert energy and effort and responsibility to get to the top. But with that ladder there have to be rungs so you can actually climb.

The most important rungs on that ladder of opportunity involve education, early childhood education, Head Start programs, quality K-12 public schools, access to college and other forms of higher education. During my 24 years in the Senate, no one has fought harder for public education than Senator ROBERT BYRD. As chairman of the Appropriations Committee, he has been the champion of education at every turn, fighting to reduce class size, improving teacher training, bringing new technologies into the classroom, boosting access to higher education.

In 1985, my first year in the Senate, he created the only national merit based college scholarship program funded through the U.S. Department of Education. Congress later named them in his honor. Originally, the Byrd scholarships consisted of a 1-year \$1,500 award to outstanding students. Today, Byrd scholarships provide grants of up to \$6,000 over 4 years. How many kids