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Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O, holy God, who has taught us to place our confidence in You, give the Members of this body the power of Your wisdom. In all their duties, empower them to be loyal to You and obedient to Your precepts. Infuse them with faith to believe that You are willing to help them solve the problems they face when they place their trust in You. Lord, be their abiding reality and lead them into the paths of loving service, as they strive to honor You. Open their eyes to the many things they can do to accomplish Your will.

Today, Lord, we thank You for the life and legacy of former Congressman Jack Kemp. Comfort all who mourn his death and give them Your peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, there will be a period of morning business for up to 1 hour with Senators permitted to speak therein for up to 10 minutes each.

Following morning business, the Senate will resume consideration of the mortgage fraud legislation. At 5 p.m. there will be up to 30 minutes of debate equally divided and controlled between Senators DODD and VITTER or their designees. At 5:30, the Senate will vote on Vitter amendment No. 1016 and, following that vote, 1017. The second vote will be 10 minutes in duration.

Last week the managers of the bill were able to reach an agreement to limit the number of amendments to the bill. It is my understanding that all amendments will not be debated and voted on here. But we will wait and see. We hope to consider the remaining amendments on the list today and tomorrow so we are able to finish passage of this bill tomorrow.

We will work as late as necessary tomorrow to do our best to complete the legislation.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

GITMO

Mr. MCCONNELL. Mr. President, with the administration still unsure of what to do with the detainees at Guantanamo, Attorney General Holder has described its arbitrary closing date as one of his most daunting challenges. Secretary Gates said some would be released or transferred overseas, some tried in American courts, and the administration doesn't know what to do with 50 to 100 who can't be released or tried. Clearly, the administration lacks a plan and a safe alternative for closing Guantanamo. Let me make a suggestion. The administration should reconsider its arbitrary deadline on Guantanamo, as it has reconsidered its commitment to arbitrary withdrawal deadlines in Iraq. Once the administration has a plan to safely detain, prosecute or transfer these detainees, Congress should be consulted and briefed to evaluate the proposal. With no safe alternative, this is the only sensible approach.

No American will penalize the administration for putting safety over symbolism. Europe should not either, since it has been far more critical than helpful. It is increasingly clear that working through the problems related to Guantanamo will require time and close consultation with Congress. The Senate voted 94 to 3 against sending detainees to American soil even if only to prisons. Let me say that again. The Senate voted 94 to 3 against sending detainees to U.S. prisons, not to mention the possibility that they would simply be released into neighborhoods. Secretary Gates has conceded that no one wants these detainees in their communities.

The legal authority for releasing trained terrorists is in question, a concern the administration hasn't publicly

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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addressed at all. The administration hasn't decided if it will use the military commissions process that Congress passed on a bipartisan basis at the suggestion of the Supreme Court.

Finally, the administration hasn't said how it plans to deal with the problem of terrorists we release returning to the battlefield even, even as DOD has confirmed that 18 of the prisoners we released have returned to terrorism and that at least 44 are suspected as having done so.

The American people want to keep the terrorists at Guantanamo, out of their neighborhoods and off the battlefield. At this point, the only way we can assure them that neither one of these things will occur is for the administration to keep this secure facility open until it develops a sensible plan for the Congress to evaluate. We remain a nation at war with ground forces in Iraq and Afghanistan. Despite disagreements over the best way to combat international terrorism, the truth remains that we haven't been attacked at home since 9/11. That is a record we wish to continue. Maintaining a safe and secure way to detain terrorists is a critical part of protecting the American people.

I yield the floor.

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 Senators permitted to speak for up to 10 minutes each.

The Senator from Missouri.

IN MEMORY OF JACK KEMP

Mr. BOND. Mr. President, I come to the floor to celebrate the life of a great American, Jack Kemp.

Jack Kemp was many things to many different people. Probably everyone knows the basics about Jack. He was a football player, a Member of Congress, a Cabinet Secretary, and a Vice Presidential nominee. Perhaps he was best known as the coauthor of the Kemp-Roth tax cuts that were the basis of the Reagan economic plan that brought progress out of prosperity and stagflation.

Today's Wall Street Journal said about Kemp:

He was among the most important Congressmen in U.S. history. He wasn't powerful because he held a mighty post, and he never served in the House majority. He helped to transform the Republican Party though he was never its Presidential standard-bearer. His influence sprang from the power of his ideas, and from the sincerity and enthusiasm with which he spread them.

To millions of Americans, he was much more than a football player, Con-

gressman, and candidate. For minorities who suffered from discrimination, Jack was an olive branch from a party that too often ignored them. As a quarterback and as leader of the football players union, he championed the cause of African-American ball players and fought against segregation. For the poor struggling to rise above their circumstances in the inner city, Jack was hope for a better future. He proposed empowering tenets in public housing, offering vouchers for housing and education. For hard-working families who wanted more freedom from Government, Jack was a crusader for their cause. He believed everyone, especially those in inner cities, should have an opportunity to participate in our economy. His idea of enterprise zones has expanded and developed into many different areas of providing opportunities for those caught in circumstances in which they would otherwise have none.

Jack was all these things and more. Today Jack serves as a role model, I believe, for the future of our party. Known as the happy warrior, Jack always focused on the positive.

Don't get me wrong, Jack never shied away from a fight, and I know that in a couple instances. He called out his fellow party members for protectionism and anti-immigration efforts, believing they were wrong for this country and for the opportunities we seek. No matter how big the adversary, whether it was a linebacker or a powerful committee chair, Jack was a fearless fighter. But as a happy warrior, Jack understood the power of the positive.

Today's Washington Post carried an article by Michael Gershon in which he said:

Opportunity, [Kemp] argued, is the most important measure of economic justice; capitalism is perfected by the broadest possible distribution of capital; and economic freedom and political freedom are inseparable.

Jack was well known for saying:

The best way to oppose a bad idea is to replace it with a good one.

You see, Jack was more about solutions than party labels. It is that pragmatism and willingness to work across the aisle to solve problems that all of us would be well advised to embrace today. As a self-described bleeding heart conservative, there are so many examples of Jack Kemp doing that. Jack worked across the aisle on some of the most important issues of our time, from civil rights to safe housing for all families. It was Jack who, along with the esteemed Dr. Benjamin Hooks, brought to the national stage the scourge of lead paint poisoning which was afflicting children and families in many of our cities, particularly older ones. Exposure to lead, particularly by young children, was causing learning disabilities, behavioral problems, slowing growth, and possibly causing seizures, coma and, in some serious instances, death.

Jack Kemp and Dr. Hooks gave this avoidable tragedy a face and a very

powerful voice. Thanks to their advocacy, Senator MIKULSKI and I launched a \$50 million initiative to remove exposed paint in targeted neighborhoods. What started as an idea and a mission is now a more than \$300 million program that has helped countless children and their families. But this is just one example of the ideas that Jack, with his tireless advocacy, turned into action to improve the lives of the most vulnerable and needy in our country. Jack's extraordinary life has made a lasting impact on the generations of conservatives he inspired, on the Republican Party, on the national debate, but, most importantly, on the countless lives and communities which have benefited from his powerful ideas being put into action.

To Joanne and the rest of the Kemp family, Linda and my thoughts and prayers are with you. We shall always remember and treasure the memory of Jack Kemp and the great contributions he made.

I ask unanimous consent to print in the RECORD a copy of the Wall Street Journal piece entitled "Capitalist for the Common Man" and the Washington Post column by Michael Gershon entitled "Head and Heart."

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

[From the Washington Post]

HEAD AND HEART: REMEMBERING JACK KEMP
(By Michael Gerson)

Some deaths make the world feel old, like they have stolen a part of youth itself. Normally this applies to those who die in their prime. But Jack Kemp's prime was supernaturally long. It is difficult to imagine his bounding arrivals, his shaken-gravel voice, his juice and joy, all stilled and ended. But there it is.

Generations of young conservatives—most of us no longer young—were drawn into Jack's orbit (I worked for him briefly in the 1990s as a speech-writer). We were attracted, in one way or another, to Jack's "bleeding-heart conservatism," with its mix of economic opportunity, social inclusion and ebullience. We came to love Jack's gracious wife, Joanne, and his accomplished children. We hoped and expected that Jack would become president of the United States. In the end, he lacked the consuming focus that quest requires. But in his passion for ideas—and in the affection he inspired—Jack was the most influential modern Republican who never became president.

Jack believed that ideas—not interests or political deals or public passions—rule the world. In this sense, he strangely resembled idealists such as Hegel or Marx, who discerned hidden, powerful currents beneath the surface of history. For Jack, that force was liberal democratic values" (small "l" and small "d," as he invariably added). Economic freedom, in his view, provides the poor with a hope beyond the dreams of socialism or large "L" Liberalism—the hope of becoming wealthy themselves. Opportunity, he argued, is the most important measure of economic justice; capitalism is perfected by the broadest possible distribution of capital; and economic freedom and political freedom are inseparable.

This belief in the power of ideas removed all rancor from Jack's political approach. Everyone fell into one of two categories: convert or potential convert. He seemed to believe that if he had just an hour—better yet,