



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, WEDNESDAY, MAY 20, 2009

No. 78

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Eternal Father, thank You for today—fresh with sparkling dew and bright with the splendor of the morning Sun. We accept this day as a gift from Your bounty and will use it for the glory of Your Name. As our Senators strive to do what is best for this great land, lead them with Your might. Guide them by Your higher wisdom and make them know the constancy of Your presence. Lord, give them the greatness of being on Your side and the delight of knowing they are doing Your will. Keep their hearts and minds riveted on You, as they seek to be responsive to Your leading. Make them stewards of the blessings You have given them.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL of New Mexico 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SIGNING AUTHORITY

Mr. REID. Mr. President, first, I ask unanimous consent that today, May 20, I be authorized to sign any duly enrolled bills or joint resolutions.

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the emergency supplemental appropriations bill. There will be up to 2 hours for debate in relation to the Inouye amendment. That is the Inouye-Inhofe amendment. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes, and the final hour will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each. Senator INOUYE will control the final 5 minutes prior to the vote. Upon the use or yielding back of time, the Senate will proceed to vote on the amendment. Senators should expect the first vote of the day to begin around 11:30 to a quarter of 12.

Yesterday, I filed cloture on this legislation. Under rule XXII, germane first-degree amendments must be filed by 1 p.m. today.

If we are able to reach an agreement, we will also consider the conference report to accompany S. 454, the procurement legislation, during the day.

WORKING TOGETHER

Mr. REID. Mr. President, I made a decision at the beginning of this Congress to go back to the way the Senate used to be, or at least the way I saw the Senate. I believed if we moved away from the past practices of the last 15 years of limiting the offering of amendments, for example, having more debate, not less, that a new spirit would develop in this historic body we call the Senate.

I believe that spirit has come—come slowly—but with the trust of the Republicans growing with the majority, amendments have come with the idea of improving or changing legislation, not the “I gotcha” politics, tactics of the past used by both Democrats and Republicans. The result has been legislation being passed of which we can all take credit:

The lands bill; Ledbetter, equal pay for men and women; the Children's Health Insurance Program, 14 million kids with health insurance; the economic recovery package, which is being felt now around the country; the omnibus spending bill, which was long overdue; national service legislation, allowing 750,000 men and women to become involved in public service, getting paid a little bit for that but help for their college education.

We did some things that needed to be done with the budget, reducing the deficit in 5 years by as much as two-thirds. We passed housing legislation, which will bolster the ability of regulators to do a good job of watching what goes on with housing, including

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



Printed on recycled paper.

strengthening the Federal Deposit Insurance Corporation; passing the financial fraud legislation to stop some of the tactics cheaters use to cause the problems that were caused leading to this economic crisis. Yesterday morning, we passed the credit card legislation.

We have a long ways to go. But I think we are beginning to trust each other that amendments are being offered to take provisions out of legislation or to add to legislation to improve it in the mind of the person offering the amendment.

As a result of this, we can all go back to our constituencies during this recess saying we are working together now, we are getting some things done. This does not help Democrats or Republicans; it helps us both, and it helps our country.

RECOGNITION OF THE MINORITY LEADER

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

WORKING TOGETHER

Mr. McCONNELL. Mr. President, let me say to my good friend, the majority leader, I concur with his observations about how the Senate should appropriately work. I think we have had a process for handling legislation this year that both sides can be proud of, and I wish to say I concur entirely with his observations about the way the Senate is working.

Obviously, the minority does not agree with a lot of the things we are doing, but the opportunity to shape legislation and for each Senator to make a difference has been respected this year, and for that I commend the majority leader.

GUANTANAMO

Mr. McCONNELL. Mr. President, there now appears to be a wide bipartisan agreement in the Senate that closing Guantanamo before the administration has a plan to deal with the detainees there was a bad idea. Senators will make it official today with their votes.

For months, we have been saying what Senate Democrats now acknowledge: that because the administration has no plan for what to do with the 240 detainees at Guantanamo, it would be irresponsible and dangerous for the Senate to appropriate the money to close it.

I commend Senate Democrats for fulfilling their oversight responsibilities by refusing to vote to provide any funding to close Guantanamo until the administration can prove to the American people that closing Guantanamo will not make us less safe than Guantanamo has. Those of us in Congress have a responsibility to American service

men and women, risking their lives abroad, and to citizens here at home. Congress will demonstrate its seriousness about that responsibility when it votes against an open-ended plan to release or transfer detainees at Guantanamo.

The administration has shown a good deal of flexibility on matters of national security over the past few months: on Iraq, for example, in not insisting on an arbitrary deadline for withdrawal; on military commissions, by deciding to resume their use; on prisoner photos, by concluding that releasing them would jeopardize the safety of our service men and women; and on Afghanistan, by replicating the surge strategy that has worked so well in Iraq.

I hope the administration will show more of this flexibility by changing its position on an arbitrary deadline for closing Guantanamo. Americans do not want some of the most dangerous men alive coming here or released overseas, where they can return to the fight, as many other detainees who have been released from Guantanamo already have.

Some will argue that terrorists can be housed safely in the United States based on past experience. But we have already seen the disruption that just one terrorist caused in Alexandria, VA. The number of detainees the administration now wants to transfer stateside is an order of magnitude greater than anything we have considered before. It is one thing to transfer one or two terrorists—disruptive as that may be—it is quite another to transfer 50 to 100, or more, as Secretary Gates has said would be involved in any transfer from Guantanamo.

In my view, these men are exactly where they belong: locked up in a safe and secure prison and isolated many miles away from the American people. Guantanamo is a secure, state-of-the-art facility, it has courtrooms for military commissions. Everyone who visits is impressed with it. Even the administration acknowledges that Guantanamo is humane and well run. Americans want these men kept out of their backyards and off the battlefield. Guantanamo guarantees it.

The administration has said the safety of the American people is its top priority. I have no doubt this is true, and that is precisely why the administration should rethink—should rethink—its plan to close Guantanamo by a date certain. It should have focused on a plan for these terrorists first. Once the administration has a plan, we will consider closing Guantanamo but not a second sooner.

RONALD REAGAN CENTENNIAL COMMISSION

Mr. McCONNELL. Mr. President, last night, the Senate passed a bill to create a commission to commemorate the 100th birthday of our 40th President, Ronald Wilson Reagan. This bill passed

in the House with wide bipartisan support and here by unanimous consent.

On June 3, we will host a celebration in the Capitol, with the State of California sending their statue of Ronald Wilson Reagan to join the collection of State statues from around the country. In February 2011, we will commemorate his 100th birthday.

To his beloved Nancy, his family, and all of us who believe that the best days are ahead in this shining city on a hill, I stand in humble gratitude for his service and great pride that Congress has finally agreed to enact legislation to commemorate one of the most important Americans of the 20th century.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RESERVATION OF LEADER TIME

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

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2346, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Inouye-Inhofe amendment No. 1133, to prohibit funding to transfer, release or incarcerate detainees detained at Guantanamo Bay, Cuba, to or within the United States.

McConnell amendment No. 1136, to limit the release of detainees at Guantanamo Bay, Cuba, pending a report on the prisoner population at the detention facility at Guantanamo Bay.

Cornyn amendment No. 1139, to express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned.

Brownback amendment No. 1140, to express the sense of the Senate on consultation with State and local governments in the transfer to the United States of detainees at Naval Station Guantanamo Bay, Cuba.

AMENDMENT NO. 1133

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate, equally divided and controlled between the leaders or their designees, with respect to amendment No. 1133, with the first 30 minutes under the control of the Republican leader, the second 30 minutes