

hijacker on 9/11. He was successfully prosecuted in the courts of the United States. He has been convicted, is serving time in a prison of the United States, and we are not less safe because of it. Our system of justice worked.

The Senator from Georgia and many on his side of the aisle have no confidence in our system of justice. They do not want to even consider the possibility that people could be charged with a crime and successfully prosecuted here. We have proven otherwise.

There are 347 convicted terrorists now serving time in U.S. prisons. I have not heard a hue and cry from anyone saying let's get them all out of the country, because we know they are being safely and securely held.

America is not at risk. For the Senator to argue that once they are tried they have to be released as American citizens or in the general population defies logic. If these people are brought in for the purpose of trial and found not guilty, they are certainly not going to be allowed to stay in the United States. There is no requirement for that. There is no way they could ask for citizenship, having just been found not guilty, being a resident of another country. That is not even in the realm of possibility.

What the Senator is arguing is about a possibility that I think is farfetched, and he ignores the obvious. Madam President, 347 terrorists convicted in American courts are currently serving time in American prisons right now.

I might also add that at the end of the day, it will be the President of the United States who will propose what we do, and the President will make his recommendations soon. I am anxious to hear them. But for us to foreclose the possibility of bringing a detainee to justice for crimes committed, for acts of terrorism, by saying we would not consider ever trying them in the United States, what would we do with them? Hold them indefinitely without charges? Export them to some other country?

If they can be charged and prosecuted successfully in our courts, they should be. They should be held securely until they are resolved in court, and if they are resolved in a guilty fashion, they could be incarcerated as the other 347 terrorists in our prisons. If found not guilty, they can leave the country, as they should not be welcomed as citizens.

The President will be making an announcement today. I am anxious to hear it. For us to anticipate what that is and foreclose possibilities I don't think is a wise policy for keeping this country safe.

The bottom line is this President—no President—is going to release terrorists into Georgia, Mississippi, Illinois, or New York. It is not going to happen. Presidents accept their responsibility to keep our country safe, and to suggest otherwise I don't think is consistent with our experience.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, what the Senator from Illinois, who is a lawyer, neglects to mention is the fact that all 347 of the current incarcerated people who have been tried for terrorist acts were arrested under U.S. law. They were investigated by the FBI. They were prosecuted because they were arrested and investigated with that end in mind. Not one single one of those 347 individuals was arrested on the battlefield.

What the Senator is now proposing is that we take all 240 of the confined detainees at Gitmo and give them all of the rights that are guaranteed to every criminal who is investigated and arrested inside the United States as opposed to being arrested on the battlefield. That has never happened before in the history of the United States, and we have had an awful lot of captives on the battlefield.

For there to be any correlation between the 240 detainees at Guantanamo who are the meanest, nastiest killers in the world, getting up every day thinking of ways to kill and harm Americans, and to compare them to the 347 who are now confined after being arrested inside the United States is somewhat ludicrous.

Again, I regret the Senator is objecting to my amendment which would keep those 240 individuals at Guantanamo outside the United States and would ensure that forever and ever they could never be released into the United States. I simply regret he sees fit to object to it.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Madam President, I am not suggesting that the detainees at Guantanamo all be tried. I know of one, for example, who has been held for 7 years and was notified a year ago there are no charges against him. The question is where he will be sent. He still languishes in prison because of that. It would be unjust for us to continue to keep him in Guantanamo without any charges against him beyond 7 years. I don't think he needs to be tried. We need to find a safe place to put him once we are certain he is not going to engage in acts of terrorism.

This morning, President Obama is going to make a statement on this issue. The statement by the White House in advance of his speech at the National Archives—I think part of this press announcement bears repeating into the RECORD. It says:

The President also ordered a review of all pending cases at Guantanamo. In dealing with the situation, we do not have the luxury of starting from scratch. We are cleaning up something that is—quite frankly—a mess that has left in its wake a flood of legal challenges that we are forced to deal with on a constant basis and that consumes the time of government officials whose time would be better spent protecting the country. To take care of the remaining cases at Guantanamo Bay, the President will, when feasible, try those who have violated American criminal laws in Federal courts; when necessary, try those who violate the rules of war through

military commissions; when possible, transfer to third countries those detainees who can be safely transferred.

President Obama is calling for an orderly, sensible review of cases at Guantanamo. For us to continue to keep voting on ways to foreclose the possibilities of bringing Guantanamo to a close in a responsible fashion I don't think is responsible conduct. I hope we will stop this and allow the President to show his leadership. He inherited this mess at Guantanamo. He is doing his best to find solutions in keeping with our values and keeping in mind his primary responsibility to keep us safe.

I yield the floor.

Mr. CHAMBLISS. Madam President, I simply close by saying the Senator is exactly right. There are military tribunals set up in Guantanamo today. In fact, those military tribunals had convicted three separate detainees, and the current administration, when they came into office, dropped the pending charges of twenty-some others awaiting trial, thus suspending the military commissions. These individuals can be tried by military tribunals at Guantanamo. They are in place and ready to go. I would simply urge that is the way these individuals need to be prosecuted and not to be brought to the United States and tried here.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, 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.

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:

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.

Chambliss amendment No. 1144, to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

Isakson amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit.

Corker amendment No. 1173, to provide for the development of objectives for the United States with respect to Afghanistan and Pakistan.

Lieberman amendment No. 1156, to increase the authorized end strength for active-duty personnel of the Army.

Graham (for Lieberman) amendment No. 1157, to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after

September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

Kyl/Lieberman amendment No. 1147, to prohibit funds made available for the Strategic Petroleum Reserve to be made available to any person that has engaged in certain activities with respect to the Islamic Republic of Iran.

Brown amendment No. 1161, to require the United States Executive Director of the International Monetary Fund to oppose loans and other programs of the Fund that do not exempt certain spending by the governments of heavily indebted poor countries from certain budget caps and restraints.

McCain amendment No. 1188, to make available from funds appropriated by title XI an additional \$42,500,000 for assistance for Georgia.

Lincoln amendment No. 1181, to amend the Federal Deposit Insurance Act with respect to the extension of certain limitations.

Risch amendment No. 1143, to appropriate, with an offset, an additional \$2,000,000,000 for National Guard and Reserve Equipment.

Kaufman modified amendment No. 1179, to ensure that civilian personnel assigned to serve in Afghanistan receive civilian-military coordination training that focuses on counterinsurgency and stability operations.

Leahy/Kerry amendment No. 1191, to provide for consultation and reports to Congress regarding the International Monetary Fund.

Hutchison amendment No. 1189, to protect auto dealers.

Merkley/Whitehouse amendment No. 1185, to express the sense of the Senate on the use by the Department of Defense of funds in the Act for operations in Iraq in a manner consistent with the United States-Iraq Status of Forces Agreement.

Merkley (for DeMint) amendment No. 1138, to strike the provisions relating to increased funding for the International Monetary Fund.

Bennet/Casey amendment No. 1167, to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

Reid amendment No. 1201 (to amendment No. 1167), to change the enactment date.

The ACTING PRESIDENT pro tempore. All time for debate has expired.

The Senator from Hawaii.

Mr. INOUYE. Madam President, I ask unanimous consent that the pending amendment be set aside, and to call up amendment No. 1162.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the pending amendment?

Mr. INOUYE. Madam 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.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

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

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

Mr. INOUYE. Madam President, I withdraw my earlier request.

The ACTING PRESIDENT pro tempore. The request is withdrawn.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative 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, hereby move to bring to a close debate on H.R. 2346, the Supplemental Appropriations Act of 2009.

Harry Reid, Christopher J. Dodd, Charles E. Schumer, Mark Begich, Mark L. Pryor, Richard Durbin, Patty Murray, Tom Harkin, Edward E. Kaufman, Claire McCaskill, Michael F. Bennet, Mark Udall, Jeanne Shaheen, Carl Levin, Jack Reed, Sheldon Whitehouse, Daniel K. Inouye.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2346, the Supplemental Appropriations Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted “yea.”

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?:

The yeas and nays resulted—yeas 94, nays 1, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—94

Akaka	Ensign	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Graham	Nelson (NE)
Begich	Grassley	Nelson (FL)
Bennet	Gregg	Pryor
Bennett	Hagan	Reed
Bingaman	Harkin	Reid
Bond	Hutchison	Risch
Boxer	Inhofe	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Burr	Johnson	Shaheen
Burris	Kaufman	Shelby
Cantwell	Kerry	Snowe
Cardin	Klobuchar	Specter
Carper	Kohl	Stabenow
Casey	Kyl	Tester
Chambliss	Landrieu	Thune
Coburn	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Levin	Vitter
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Cornyn	Lugar	Webb
Crapo	Martinez	Whitehouse
DeMint	McCain	Wicker
Dodd	McCaskill	Wyden
Dorgan	McConnell	
Durbin	Menendez	

NAYS—1

Feingold

NOT VOTING—4

Byrd	Kennedy
Hatch	Rockefeller

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 94, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. INOUYE. Madam 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.

Mrs. HUTCHISON. Madam 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.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that Senators BENNETT, BINGAMAN, and KERRY be added as cosponsors of amendment No. 1189.

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

Mrs. HUTCHISON. 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.

Mrs. HUTCHISON. Madam 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.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to add Senator KLOBUCHAR as a cosponsor of amendment No. 1189.

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

Mrs. HUTCHISON. I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I rise today to express my support for the 2009 Supplemental Appropriations Act. My vote today does not indicate a blank check for the administration. But it is indicative of a strong desire on my part to begin to change to a new approach in Iraq and Afghanistan.

We all know about the challenges President Obama inherited from 8 long years of the Bush administration. He was left with an economy and recession, wars in Iraq and Afghanistan, diminished U.S. standing around the globe, a country more dependent on foreign oil, and a resurgent al-Qaida.

Today, we have a new administration with clear priorities and realistic foreign policy objectives. We must give President Obama and his administration the resources and flexibility they need to move U.S. foreign policy in a new direction. If we were to walk away from this change in policy that is reflected in this supplemental, I think the message we are sending is for the status quo. The status quo does not deserve a vote.

Again, I repeat, my vote is not a blank check. I am voting for this bill not because I want the United States to remain bogged down in two wars, but because I want to give this administration—the Obama administration—the resources it needs to successfully end these wars, starting with the war in Iraq. Furthermore, I don't support an open-ended commitment of American troops to Afghanistan; and if we do not see measurable progress, we must reconsider our engagement and strategy there.

In particular, we must do more to sharply reduce the numbers of heart-breaking civilian casualties. As ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, recently said:

We cannot succeed in Afghanistan, or anywhere else . . . by killing Afghan civilians.

In a reference to a U.S. airstrike in the Farah Province, Admiral Mullen said:

We can't keep going through incidents like this and expect the strategy to work.

I could not agree more. President Obama promised the American people a new way forward in Iraq and a new way forward in Afghanistan. The passage of this bill will allow him to put the pieces in place to keep his promises by finishing the mission in Afghanistan, which was shortchanged because of the Iraq war. I want to talk about that for a minute.

I voted, after 9/11, to go after al-Qaida, to go after the Taliban, to go after Osama bin Laden. The administration, instead of doing that, turned around and went into Iraq under the false premise that Iraq had something to do with 9/11. We still have former Vice President Cheney out there trying to convince the people that was the right thing to do. That was the wrong thing to do. There have been so many needless deaths in Iraq. We left Afghanistan, and the Taliban returned in force; and the people there are under the yoke of the Taliban in many parts of that country. What a tragedy, because of a mistaken policy. What a terrible legacy, because of a mistaken policy. Yet the debate rages on. So I am going to engage in that debate.

I believe we need to tackle this mission in Afghanistan, which was shortchanged. I believe we must increase the role of the State Department and our civilian agencies in working toward peace. I know my colleague in the chair, Senator KAUFMAN, has been very eloquent on this point—a new way to allow the Afghan people to, in essence,

take back their country. We need to train Afghan security forces so we can ultimately change the nature of our mission there and bring our troops home. That is the goal.

I have heard my Republican friends say they don't know what the goal is in Afghanistan. That is OK. I don't think there is any problem explaining what it is. We want to go after al-Qaida. We want to decrease the influence of the Taliban and defeat them, if we have to. Hopefully, we can, in fact, work with some of them. I am not convinced of that, but it may be possible. We need to give the Afghan security forces the ability to defend their own people.

There is a lot more we have to do over there to protect the most vulnerable Afghans, and that means the women and the children of Afghanistan. I will talk more about that because this supplemental takes a huge step forward in protecting the women and children there.

It seems to me we have to give President Obama an opportunity to bring about the change he promised. If I see that change is not coming, I am not going to be there. But today, I believe we should give him that chance.

To think that we actually had Osama bin Laden cornered at one time, but the obsession with Saddam Hussein drove us away in those Bush years from that mission and brought us into a situation where we have lost so many of our young men and women, many of them—30,000—were injured, some with horrific injuries, and many more are suffering from post-traumatic stress and brain injury.

President Bush took his eye off Afghanistan, and so did Vice President Cheney. Frankly, sadly, we come to this day. I understand why some colleagues might just say: I don't want to hear about it. I don't want to spend any more money on it. Just forget it.

I don't think that is the way to go. I think President Obama said very clearly that he is going to bring change. I think this is the day. We either stand for change or for the status quo. That is my belief.

In the Bush years we never really had enough resources to fight al-Qaida in Afghanistan because we were waging an open-ended war in Iraq. Remember, there were no benchmarks for progress. It was day after day, death after death after death. Frankly, because the Iraq war fueled recruitment by al-Qaida, our Nation's security has been compromised. Our standing in the world has suffered. Again, most heart-breaking, American servicemembers and their families have paid the price.

In my view, there are four provisions in the supplemental that will help to correct our course.

First, the bill provides funding to get our troops home from Iraq. These provisions are essential for President Obama to meet his date of August 31, 2010, to remove combat brigades from Iraq and remove all of our troops by the end of 2011.

For those of us who want to bring the troops home, the funding to do that is in this supplemental. So, clearly, when we vote for this, we vote to begin that process. The responsibility for security must be turned over to the Iraqis—and quickly. U.S. forces cannot continue to shoulder the burden there anymore. The people there have to decide if they want to live together or die together. They have to look at these ethnic divisions and make their own decisions. We will help. We will always help. But it is their decision.

So the first part of the bill is funding to begin bringing the troops home from Iraq.

Second, this bill seeks to turn things around in Afghanistan by providing a significant investment in diplomacy and development, including, very importantly to me and to a lot of my colleagues, for the Afghan women. A military solution alone will not solve the problems in Afghanistan. We need a strategy that helps the Government provide for its people and invest in the civil society and those programs that are crucial to the long-term security and prosperity of that country.

Development is very important to the people of Afghanistan. I am very proud that this bill takes critical steps to support Afghan women and girls. Today, more than 7 years after the international community helped free Afghan women from the prison of life under the Taliban, the situation for women in Afghanistan remains dire.

I want to say to Senator LEAHY and his staff: Thank you. Thank you for listening. Thank you for working with us. Thank you for working with the women-led nongovernmental organizations.

Without Senator LEAHY and his staff, we would not have this language in the bill. I wanted to make that point.

More than 80 percent of the women in Afghanistan are illiterate. More than one in six die in childbirth. These are the voices that have been forgotten. We cannot return to the days when Afghan women had to be draped in burqas against their will. If you have never tried on a burqa—and I am sure most people haven't—let me tell you what it feels like, because I did. You disappear. You become nothing. Remember when women were murdered in cold blood by the Taliban in soccer stadiums? Those days must be over.

It seems to me that walking away from this supplemental at this time says we are walking away from those women. We need to help them. We need to do everything we can to give them a chance because to not do so would be tragic.

This bill specifically appropriates \$100 million for programs that directly address the needs of Afghan women and girls. In addition to Senator LEAHY and his staff, I thank Congresswoman NITA LOWEY and her staff. In the House bill, they also put in quite a few resources for the women-led NGOs. In our bill, we do even more to directly address the

needs of women and girls, including funding for the Afghan Human Rights Commission and Afghan Ministry of Women's Affairs.

I wrote a bill called the Afghan Women Empowerment Act. Specifically, the supplemental appropriates \$30 million for Afghan women-led non-governmental organizations, which is a key component of that bill. The international community cannot stay in Afghanistan indefinitely. We know that. So this funding will help empower those organizations that will provide for the needs of the Afghan community long after the international community has left.

The supplemental includes \$10 million to train and support Afghan women investigators, police officers, prosecutors, and judges with responsibility for investigating, prosecuting, and punishing crimes of violence against women and girls.

This is particularly important in a country where women have been so marginalized. No female victim of violence will ever come forward if she believes there is no system in place or resources to help her. What happens if she comes forward is that she becomes a target. I don't know how you feel about it—I think I can guess—when any of us sees little girls being attacked with acid when they are going to school. There is something deeply wrong if America turns away from that. We cannot, it seems to me, in good conscience not give this one more chance, which is what this supplemental is doing because it is taking a major step to give the Afghan people the chance to stand up for their women, children, and families.

Third, this bill recognizes the importance of Pakistan, a dysfunctional, nuclear-armed nation that has some of the most notorious al-Qaida terrorists within its borders. Pakistan is one of the greatest threats to international security that we face today. This danger is such a concern that Bruce Riedel, a Brookings Institution scholar who served as the coauthor of the President's review of our Afghanistan-Pakistan strategy, said that the country—this is Pakistan—“has more terrorists per square mile than any other place on Earth, and it has a nuclear weapons program that has grown faster than anyplace else on Earth.” It seems to me to walk away from that threat is the wrong course. This bill provides funds for nonmilitary aid and counter-insurgency training to enable the Pakistani Government to defeat the growing extremist threat within its borders.

Fourth, this bill provides funding to help our servicemembers and their families deal with the wounds of war and to improve their quality of life. It provides funding to increase the number of soldiers and marines to help ease some of the burdens on servicemembers and families who have served three, four, and five deployments to combat zones. How can we walk away from giving those soldiers relief at this point

when they have served three, four, and five times? We see some of the fallout on the mental health of our soldiers. We have seen some tragic things happen, including a soldier who actually turned on his own colleagues and killed them. We cannot have servicemembers under this amount of stress from three, four, five, or six deployments. Some of them can handle it. Not all of them can handle it. This bill will increase the number of soldiers and marines, so we can help ease the burden of those who have given and given.

This bill includes funding to keep our servicemembers safer, including funding for mine-resistant vehicles in Afghanistan to combat the dangers of roadside bombs. It helps ease the childcare needs of our military families by funding the construction of 25 child development centers to serve 5,000 children. It provides \$230 million to complete construction of the Walter Reed National Military Medical Center, and it provides funds for the construction of nine warrior support facilities across the United States. Our soldiers need help. They cannot be expected to travel across the country to get medical care, either for physical wounds or mental wounds. We need to make sure we do this.

Finally, this bill provides funding for domestic programs that will safeguard our security. It includes \$1.5 billion to prepare and respond to a global disease pandemic, such as the H1N1 influenza virus we are combating today. A lot of people say: Maybe you are overreacting. We just don't know because in other flu epidemics, we think we have conquered it, and then it comes back in a more virulent form. We need to vaccinate our citizenry. This is expensive and a must-do. I am very pleased it is in this bill. Just this week, two lives were lost in New York City to the virus. One victim was only an infant, and the other was an assistant principal of a school. Yes, we lose people to the flu every year. We know that. But we want to make sure we are not facing something for which we are unprepared. Better to be prepared, and this bill gives us the funds to prepare.

There is significant investment in shoring up our southwest border and also combating drug traffickers who operate there. We keep seeing horrific violence along the border. It is deplorable. The drug cartels must be stopped and the perpetrators brought to justice. That is also in this bill. This is an emergency spending bill.

It also includes \$250 million for emergency firefighting activities. California has suffered devastating wildfires over the last few fire seasons. I know all of you have watched in horror at the recent wildfire in Santa Barbara. We know we are facing terrible challenges. We are facing warmer temperatures. We are facing more drought conditions. The funding will help ensure resources are on hand when they are needed.

I have to say that this bill should be a must-pass. I have to also reiterate

that my vote indicates my support for a change in our foreign policy, a change in Iraq to bring this war to an end, a change to finally do what we have to do in Afghanistan so we do not walk out and walk away as we did before. The Taliban allowed al-Qaida to thrive, and we have to work in Afghanistan so that the people turn away from the Taliban toward something else that is positive. And we can provide that.

Strong diplomacy is in this bill. A change in policy is in this bill. It is our best opportunity to achieve these objectives. If it does not work, I will be the first one to stand up here and say so because, frankly, I believe too many of our brave soldiers have been put in harm's way.

I think this is the last use of a supplemental appropriation, according to the administration, to fund military operations in Iraq and Afghanistan. I welcome that. It says that our President is going to hold true to his commitment to an open and transparent government that is held accountable to the people. We are going to have these policies funded through the regular budget process. I understand why we need this now. To bring about the change in Iraq and Afghanistan, we cannot do it on the cheap. We have to do it right. I think President Obama's quote—and I am not quoting him exactly—was that we have to get out of there very carefully even though we did not get in there very carefully. That is what we are doing. We are getting out of Iraq carefully. We are doing it right. We are funding the way to do it right. We are helping our soldiers. And we are changing course in Afghanistan, first of all, by paying attention to it, going after al-Qaida, trying to make sure the Taliban is not an option people choose there, and being very strong in our help toward the women of Afghanistan.

I will be voting yes for all those reasons and watching closely.

Mr. President, I ask unanimous consent that for the next hour, this bill be open to debate only.

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

Mrs. BOXER. Mr. President, I yield the floor, and 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. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask unanimous consent that upon the completion of my statement, Senator ISAKSON be recognized for 5 minutes, and then that Senator BROWN be recognized for 10 minutes. That will allow all of our statements to be completed prior to a unanimous consent agreement which will shortly be entered into.

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

MR. LEAHY. I ask unanimous consent that no Budget Act points of order be in order to H.R. 2346, as amended; that at 1 p.m., Senator CORNYN be recognized for debate only for up to 40 minutes; that at the conclusion of Senator CORNYN's remarks, the time until 2 p.m. be equally divided and controlled between the leaders or their designees; that at 2 p.m. today, there be 40 minutes of debate with respect to the DeMint amendment No. 1138, with the time controlled as follows: 20 minutes under the control of Senator DEMINT, 10 minutes under the control of Senators GREGG and INOUYE or their designees; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the amendment; that no intervening amendment be in order to the language proposed to be stricken by the DeMint amendment.

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

MR. LEAHY. Madam President, President Obama said in his campaign and has repeated it since the first days of his Presidency that we must keep our Nation safe and secure, but we have to do it in ways consistent with our values. That is a sentiment I share, and one that I have voiced in hearings and statements for years as well.

To President Obama's credit, to the benefit of the Nation, he has worked since his first day in office to turn these words into action to make our national security policy and our detainee policy consistent with American laws and American values. That, in turn, makes us more secure. I have supported President Obama in these steps, and I will continue to do so. That is why I have voted against amendments to withhold funding to close the Guantanamo detention facility, and to prohibit any Guantanamo detainees from being brought to the United States. These amendments undermine the good work the President is doing, and they make us less safe, not safer.

I believe strongly, as all Americans do, we have to take every step we can to prevent terrorism. Then we have to ensure severe punishment for those who do us harm. As a former prosecutor, I have never shied away from harsh sentences for those who commit atrocious acts. I point to the times I have requested and gotten for people I have prosecuted life sentences, life sentences that they served without the possibility of parole.

I also believe strongly we can ensure our safety and security and bring terrorists to justice in ways that are consistent with our laws and values. When we have strayed from that approach—when we have tortured people in our custody, or sent people to other countries to be tortured, or held people for years without even giving them a chance to go to court, to argue we were holding the wrong person, they are being held in error—we have hurt our national security immeasurably.

Our allies have been less willing to help our counterterrorism efforts, and that has made our military men and women more vulnerable and our country less safe. Terrorists have used our actions as a tool to recruit new members, which means then we have to fend off more enemies.

Worse still, we have lost our ability to respond with moral authority if other countries should mistreat American soldiers or civilians.

Guantanamo has become the symbol of the severe missteps our country took in recent years. Changing our interrogation policies to ban torture was an essential first step. But only by shutting the Guantanamo facility and restoring tough but fair procedures can we repair our image in the world. We have to do that if we hope to have a truly strong national security policy.

To close Guantanamo, we need our national security and our legal experts working hard to come up with a comprehensive plan for its closure. We should be funding those efforts. By cutting off that funding, we have hamstrung the President's initiative, and no matter what we intended to do, I believe we have made our Nation less safe.

Much debate has focused on keeping Guantanamo detainees out of the United States. In this debate, political rhetoric has entirely drowned out reason and reality. Our criminal justice system handles extremely dangerous criminals, and it has handled more than a few terrorists, and has done so safely and effectively. We try very dangerous people in our courts and we hold very dangerous people in our jails in Vermont and throughout the country. We have the best justice system in the world.

We have spent billions of dollars on our detention facilities, on our law enforcement, and our justice system. Are we going to say to the world, oh, my goodness gracious, we are not good enough to be able to handle criminal cases of this nature? I do not believe so.

We try those dangerous people and we hold those dangerous people in jails in Vermont and throughout our country. We are showing the world that we can do it. I know; I have put some of them there. We do it every day in ways that keep the American people safe and secure. I have absolute confidence we can continue to do it.

The Judiciary Committee has held several hearings on the issue of how to best handle detainees. Experts and judges from across the political spectrum have agreed that our courts and our justice system can handle this challenge. Indeed, it has handled it many times already.

What I am saying is, after all of those billions of dollars, after all of the superb men and women we have working in our justice system, after all that we spend on maximum security facilities, are we going to say to the world, America is not strong enough to try even the worst of criminals?

When we were hit with one of the worst terrorist attacks ever in this country, Oklahoma City, did we say we cannot try the people we have now captured? We cannot have them in a courtroom where it is secure, we will not be able to punish them? Of course not. We went ahead, and we also established for the rest of the world that we follow a system of justice in America. And having been horribly damaged in Oklahoma City, we followed our system of justice. The rest of the world looked at it, and they learned from us.

Let's not step back from that. Republican luminaries such as GEN Colin Powell have agreed with this idea. One Republican member of the Judiciary Committee, Senator GRAHAM, said, "The idea that we cannot find a place to securely house 250-plus detainees within the United States is not rational."

So let's let reality come in and overwhelm rhetoric. It is time to act on our principles and our constitutional system. Those whom we believe to be guilty of heinous crimes should be tried. They should be penalized severely, and our courts and our prisons are more than up to the task. Our courts and our prisons are more up to this task than those in any other country in the world. But we also could have people who are innocent or where we captured the wrong person. If so, they should be released.

There are going to be tough cases. Instead of cutting out the money the administration needs to dispose of those cases responsibly, knowing how tough they will be, we ought to be doing just the opposite and give them the resources they need.

Let's put aside heated, distorted rhetoric. Support the President in his efforts to truly make our country a safe and strong Republic worthy of the history and values that have always made America great.

I believed that when I was a young lawyer in private practice. I believed that when I was a prosecutor. I believe that even more today as a Senator.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

TRIBUTE TO BILL SHIPP

MR. ISAKSON. Madam President, I know most Members on the floor remember a song of about 25 years ago called: "The Night the Lights Went Out in Georgia."

Well, on Tuesday of this week, a beacon of light in journalism did go out in Georgia, when Bill Shipp, a gifted political writer, announced his retirement after 50 years of reporting in the South.

Bill Shipp is a remarkable character. It is said that all of us are replaceable. I am not sure Bill Shipp is replaceable. He began his writing in Georgia as a political columnist for the Atlanta Constitution.

Starting in the late 50s, he covered the late Ivan Allen and the late Dr. Martin Luther King and the Governors

and the politicians of that era from George Wallace to Lester Maddox, to Jimmy Carter, to Carl Sanders.

He wrote about the transition of the old South to the new South. And in Washington, he covered the Civil Rights Act in the middle and late seventies. He was a writer whose perception was keen, whose wit was sharp, and whose pen was even sharper.

For 32 of his 50 years I was in elected office in Georgia. I can make a true confession: When he wrote a column, you went to the paper and you read Bill Shipp first. There was a reason for that. If you were going to be the victim of the day, you might as well go out and find out what he was going to say about you. But if you were not the victim of the day, you could relish in seeing some other politician being skewered by that pen.

Bill Shipp had a profound effect on journalism in our State. For years he reported for the Atlanta Journal and Constitution, but after a number of years he started his only publication whose title was: "Bill Shipp's Georgia." Never has there been a more appropriate name for a newsletter, because, in many ways, Georgia's politics was Bill Shipp's possession.

Bill Shipp wrote about politics in such a way that he changed politics in the South. While I would never accuse Bill of having editorialized in a news article, the tone and tenor of the direction of Bill Shipp's perception of what was right and wrong could help to lead debates to a positive conclusion in an otherwise period of discourse and trouble.

I love Bill Shipp for many reasons—one, because he and I have had the pleasure of living in the same county for the last 40 years. The other is, I have learned a lot from him. I always appreciated him. In politics, Bill Shipp is the equivalent of Helen Thomas at a Presidential press conference. When a Georgia politician has a press conference, Bill Shipp is there. When it is time for questions, he always has one. And when it comes time to roll the grenade in the middle of the room, Bill Shipp will do it. He did it to me and to others.

Bill Shipp is a gifted friend, a man for whom I wish the best in his retirement. I think, finally, of those days on Ivy Grove and Cherokee Road in Marietta where he and Tom Watson Brown and George Berry would sit at 5 in the afternoon, have a libation, and discuss the next day's column that Bill would write. Bill Shipp is a treasured asset of our State, a man who has contributed greatly to the growth of the new South and the new Georgia, a man whose contributions to journalism are pre-eminent in our State, and a friend to whom I wish the very best in his retirement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

(The remarks of Mr. BROWN pertaining to the submission of S. Res. 156

are located in today's RECORD under "Submitted Resolutions.")

The Senator from Mississippi.

Mr. WICKER. I ask unanimous consent to speak as in morning business for up to 4 minutes.

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

SAMUEL L. GRAVELY, JR., FIRST AFRICAN-AMERICAN U.S. NAVY FLAG OFFICER

Mr. WICKER. Madam President, this past weekend, at the Northrop-Grumman shipbuilding facility in Pascagoula, MS, the USS *Gravely*, the 57th *Arleigh Burke* class Aegis Guided Missile Destroyer, was christened in honor of the late VADM Samuel L. Gravely, Jr.

Vice Admiral Gravely was born in 1922, in Richmond, VA. In 1942, Gravely interrupted his education at Virginia Union University and enlisted in the U.S. Naval Reserve. He attended officer training camp at the University of California in Los Angeles after boot camp at the Great Lakes Naval Training Station in Illinois, and then midshipman school at Columbia University. When he boarded his first ship in May of 1945, he became its first African-American officer.

Gravely was the first African-American to command a fighting ship, the USS *Falgout*, and to command a major warship, the USS *Jouett*. As a full commander, he made naval history in 1966 as the first African-American commander to lead a ship, the USS *Taussig*, into direct offensive action. He was the first African-American to achieve flag rank and eventually vice admiral. In 1976, Gravely became the commander of the entire Third Fleet, commanding over 100 ships, 60,000 sailors, and overseeing more than 50 million square miles of ocean.

Gravely's tenure in the naval service was challenged with the difficulties of racial discrimination. As a new recruit, he was trained in a segregated unit; as an officer, he was barred from living in the bachelor's officers' quarters. In 1945, when his first ship reached its berth in Key West, FL, he was specifically forbidden entry into the officers club on the base. Gravely survived the indignities of racial prejudice and displayed unquestionable competence as a naval officer.

Gravely exemplified the highest standards and demanded very high standards from his crew. Throughout his career, he stressed the rudiments of professionalism—intelligence, appearance, seamanship and, most importantly, pride.

Vice Admiral Gravely was a trailblazer for African-Americans in the military arena. He fought for equal rights quietly but effectively, letting his actions and his military record speak for him. Gravely died on October 22, 2004, at the naval hospital in Bethesda, MD. In a fitting tribute, the obituary on the U.S. Department of Defense Web site quoted Gravely's formula for success: "My formula is simply education plus motivation plus perseverance."

Samuel L. Gravely, Jr.'s performance and leadership as an African-American naval officer demonstrated to America the value and strength of diversity. He was a true professional with superb skills as a seaman and admirable leadership attributes.

The USS *Gravely*, christened in Pascagoula, will reflect his character, his forthrightness, and his steadfastness and will stand for and deliver his legacy wherever it serves. His spirit aboard the USS *Gravely* will be an inspiration to its crew, the U.S. Navy, and Americans for generations to come.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I understand there is a previous—let me ask unanimous consent that I be allowed to speak for up to 40 minutes.

The PRESIDING OFFICER. That is the standing order.

Mr. CORNYN. I appreciate it. Thank you very much, Mr. President.

AMENDMENT NO. 1139

Mr. President, I want to address the Senate on two subjects this afternoon—first of all, on the subject of various memos and interrogation techniques, notably enhanced interrogation techniques, that were carried out in response to Office of Legal Counsel memos that were written by lawyers there, designed to provide guidance to our CIA interrogators after 9/11 to help them protect the country against future terrorist attacks.

I have an amendment that, because of technical reasons, we will not be able to vote on this week. But I want to assure my colleagues this issue is not going away, and we will be back to talk about it more later. But I think it is of sufficient gravity and importance that I want to highlight it here for the next few minutes.

First of all, this amendment I am referring to is a sense-of-the-Senate amendment. Let me summarize what it does because I think it is important to put it in context.

The sense-of-the-Senate amendment reads as follows. It says:

In the aftermath of the September 11, 2001 attacks, there was bipartisan consensus that preventing further terrorist attacks [against] the United States was the most urgent responsibility of the United States Government.

A bipartisan joint investigation by the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives concluded that the September 11, 2001 attacks demonstrated that the intelligence community had not shown "sufficient initiative in coming to grips with the new transnational threats".

By mid-2002, the Central Intelligence Agency had several top al Qaeda leaders in custody.

The Central Intelligence Agency believed that some of these al Qaeda leaders knew the details of imminent plans for follow-on attacks against the United States.

The Central Intelligence Agency believed that certain enhanced interrogation techniques might produce the intelligence necessary to prevent another terrorist attack against the United States.

The Central Intelligence Agency sought legal guidance from the Office of Legal Counsel of the Department of Justice as to whether such enhanced interrogation techniques, including one that the United States military uses to train its own members in survival, evasion, resistance, and escape training, would comply with United States and international law if used against al Qaeda leaders reasonably believed to be planning imminent attacks against the United States.

This amendment further notes that:

The Office of Legal Counsel is the proper authority within the executive branch [of the Federal Government] for addressing difficult and novel legal questions, and providing legal advice to the executive branch in carrying out [its] official duties.

It further notes that:

Before mid-2002, no court in the United States had [ever] interpreted the phrases “severe physical or mental pain or suffering” and “prolonged mental harm” as used in sections 2340 and 2340A of title 18, the United States Code.

The legal questions posed by the Central Intelligence Agency and other executive branch officials were—

This amendment notes—

a matter of first impression, and in the words of the Office of Legal Counsel, “substantial and difficult”.

The Office of Legal Counsel approved the use by the Central Intelligence Agency of certain enhanced interrogation techniques, with specific limitations, in seeking actionable intelligence from al Qaeda leaders.

The amendment further notes that:

The legal advice of the Office of Legal Counsel regarding interrogation policy was reviewed by a host of executive branch officials, including the Attorney General, the Counsel to the President, the Deputy Counsel to the President, the General Counsel of the Central Intelligence Agency, the General Counsel of the National Security Council, the legal advisor of the Attorney General, the head of the Criminal Division of the Department of Justice, and the Counsel to the Vice President [of the United States].

Further, the amendment notes that:

The majority and minority leaders in both Houses of Congress,—

Both in the Senate and in the House, as well as—

the Speaker of the House of Representatives, and the chairmen and [ranking members] of [both] the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives received classified briefings on [both the proposed techniques and the Office of Legal Counsel advice] as early as September 4, 2002.

The amendment further notes that:

Porter Goss, then-chairman of the Permanent Select Committee on Intelligence of the House of Representatives, recalls that he and then-ranking member Nancy Pelosi “understood what the CIA was doing” [and] “gave the CIA our bipartisan support” [and] “gave

the CIA funding to carry out its activities”, and “On a bipartisan basis . . . asked if the CIA needed more support from Congress to carry out its mission against al Qaeda”.

The amendment further notes that:

No member of Congress briefed on the legal analysis of the Office of Legal Counsel and the proposed interrogation program of the Central Intelligence Agency in 2002 objected to the legality of the enhanced interrogation techniques, including “waterboarding”, approved in legal opinions of the Office of Legal Counsel.

The amendment further notes that:

Using all lawful means to secure actionable intelligence based on the legal guidance of the Office of Legal Counsel [of the Department of Justice] provides national leaders a means to detect, deter, and defeat further terrorist [attacks] against the United States [of America].

The amendment further notes that:

The enhanced interrogation techniques approved by the Office of Legal Counsel have, in fact, accomplished the goal of providing intelligence necessary to defeating additional terrorist attacks against the United States.

It further notes that:

Congress has previously established a defense for persons who engaged in operational practices in the war on terror in good faith reliance on advice of counsel that [such] practices were lawful.

This amendment further notes that:

The Senate stands ready to work [on a bipartisan basis] with the Obama Administration to ensure that leaders of the Armed Forces of the United States and the intelligence community continue to have the resources and tools required to prevent additional terrorist attacks on the United States.

This amendment concludes with this finding or sense of the Senate:

It is the sense of the Senate that no person who provided input into the legal opinions by the Office of Legal Counsel of the Department of Justice analyzing the legality of the enhanced interrogation program, nor any person who relied in good faith on [that legal advice], nor any member of Congress who was briefed on the enhanced interrogation program and did not object to the program going forward should be prosecuted or otherwise sanctioned.

This is the amendment I sought to offer that for technical reasons is not going to be voted on now. But, I assure my colleagues, we will revisit this at a later date.

I want to take issue with some of the comments by my distinguished colleague from Illinois, the majority whip, who I believe—it was yesterday, or maybe the day before—said there was no basis for my assertion that there was actionable intelligence gained from the so-called enhanced interrogation techniques, and questioned what my source was.

I would remind the distinguished Senator from Illinois that the source is President Obama’s Director of National Intelligence, Dennis Blair, who wrote, on April 16, 2009, that “high-value information came from interrogations in which these methods were used, and provided a deeper understanding of the al Qaeda organization that was attacking this country.”

Mr. President, I ask unanimous consent that the letter in which the Director of National Intelligence made those statements be printed in the RECORD following my comments.

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

(See exhibit 1.)

Mr. CORNYN. Nor was this special information available to only a few. The New York Times reported it on April 21, under the headline “Banned Techniques Yielded ‘High-Value information’, Memo Says.” That is a story in the New York Times which basically recounts what the Director of National Intelligence said.

I would remind my distinguished colleague from Illinois that it is, in fact, the Director of National Intelligence for President Obama who has affirmed not just the need but the usefulness of the information and intelligence derived from these enhanced interrogation techniques that were approved by the legal authority for the executive branch of the Federal Government, the Office of Legal Counsel.

My colleague from Illinois, Senator DURBIN, argues that we need to allow prosecutors to follow the facts and the law wherever they may lead—certainly, a relatively harmless assertion; one I would generally agree with. But here, we know enough about the facts and the law to know there is no evidence that anyone acted with the intent required to prosecute under the law. I won’t bore the Senate with an analysis of what the criminal law requires in this context, but I would say that the facts, as we know them, are to give our public servants the benefit of the doubt. As detailed in the Office of Legal Counsel memoranda, significant efforts were made to minimize significant harm that could arise from these techniques. Who could question the desire of both the intelligence community as well as the Department of Justice and the leaders responsible for protecting our national security—who could question the good-faith need to get information that would actually help prevent follow-on terrorist attacks?

We know al-Qaida, on September 11, 2001, used crude weapons to attack our country. Yet they were able to kill 3,000 Americans, roughly. Our intelligence community and our national leadership knew al-Qaida was not satisfied with such primitive weapons but, indeed, was seeking biological, chemical or nuclear weapons. We know how important it was for our intelligence officials to get the information they needed. We know the lawyers at the Office of Legal Counsel who rendered this legal advice were doing what they thought was their responsibility in good faith. Indeed, the Members of Congress who had the responsibility to perform congressional oversight on these activities, I believe, demonstrated their good-faith desire to do what was necessary to protect our country. I believe we know enough to

say these people—all of them—acted in good faith.

It has been suggested the standard we apply is whether the advice fell within the range of legitimate analysis and within the range of reasonable disagreement common to legal analysis of important statutory and constitutional questions. I believe that has been demonstrated, and but for this technical objection to the amendment, I am confident we would receive an overwhelming bipartisan vote of support for this sense-of-the-Senate resolution.

The distinguished Senator from Illinois, Senator DURBIN, says we should allow prosecutors and the Department of Justice to decide whether to bring a case against these officials: The intelligence community, the lawyers who drafted the legal advice, and perhaps even the Members of Congress who acquiesced and facilitated these enhanced interrogation techniques following a classified briefing. But I would suggest there is no case to be brought against these individuals. Any prosecution that arises out of this interrogation program would clearly be based upon politics and not on the law.

I would submit the amendment I have offered—and that I described and which I will reoffer again at an appropriate time—is a call for reasonableness and national unity. The calls for prosecution of good-faith patriots has simply gone too far. When bloggers and others—not to single out bloggers but even Members of this body—have suggested that we somehow need a truth commission and have suggested that prosecutions might be the appropriate outcome, when they are suggesting that prosecutions under these circumstances occur, then I think our political environment has changed in a dangerous way and one which will certainly chill our intelligence officials in gathering actual intelligence necessary to keep us safe and certainly discourage patriots who want to serve and who are willing to serve in Government. When policy differences become criminalized in ways that some have suggested, it is not helpful to our country. Indeed, I think it is dangerous to our national security.

We know there is an unfortunate history of hysterias, panics, and mob rule from time to time that occurs, whether it is from Salem through the McCarthy era. When justice is steered by passion and politics rather than by reason and the rule of law, it is not worthy of the name “justice.” Once you stir up an angry mob, we know it is unpredictable where that mob might lead or who might get caught up in the mob’s action. But we know already too many patriotic Americans have been targeted by the present hysteria. This amendment calls for an end to the hysteria and a return to reason, civility, national unity, and the rule of law.

EXHIBIT 1

DIRECTOR OF
NATIONAL INTELLIGENCE,
Washington, DC, April 16, 2009.

DEAR COLLEAGUES: Today is a difficult one for those of us who serve the country in its intelligence services. An article on the front page of The New York Times claims that the National Security Agency has been collecting information that violates the privacy and civil liberties of American citizens. The release of documents from the Department of Justice’s Office of Legal Counsel (OLC) spells out in detail harsh interrogation techniques used by CIA officers on suspected al Qaeda terrorists.

As the leader of the Intelligence Community, I am trying to put these issues into perspective. We cannot undo the events of the past; we must understand them and turn this understanding to advantage as we move into the future.

It is important to remember the context of these past events. All of us remember the horror of 9/11. For months afterwards we did not have a clear understanding of the enemy we were dealing with, and our every effort was focused on preventing further attacks that would kill more Americans. It was during these months that the CIA was struggling to obtain critical information from captured al Qaeda leaders, and requested permission to use harsher interrogation methods. The OLC memos make clear that senior legal officials judged the harsher methods to be legal, and that senior policymakers authorized their use. High value information came from interrogations in which those methods were used and provided a deeper understanding of the al Qaeda organization that was attacking this country. As the OLC memos demonstrate, from 2002 through 2006 when the use of these techniques ended, the leadership of the CIA repeatedly reported their activities both to Executive Branch policymakers and to members of Congress, and received permission to continue to use the techniques.

Those methods, read on a bright, sunny, safe day in April 2009, appear graphic and disturbing. As the President has made clear, and as both CIA Director Panetta and I have stated, we will not use those techniques in the future. I like to think I would not have approved those methods in the past, but I do not fault those who made the decisions at that time, and I will absolutely defend those who carried out the interrogations within the orders they were given.

Even in 2009 there are organizations plotting to kill Americans using terror tactics, and although the memories of 9/11 are becoming more distant, we in the intelligence services must stop them. One of our most effective tools in discovering groups planning to attack us are their communications, and it is the job of the NSA to intercept them. The NSA does this vital work under legislation that was passed by the Congress. The NSA actions are subject to oversight by my office and by the Justice Department under court-approved safeguards; when the intercepts are conducted against Americans, it is with individual court orders. Under these authorities the officers of the National Security Agency collect large amounts of international telecommunications, and under strict rules review and analyze some of them. These intercepts have played a vital role in many successes we have had in thwarting terrorist attacks since 9/11.

On occasion, NSA has made mistakes and intercepted the wrong communications. The numbers of these mistakes are very small in terms of our overall collection efforts, but each one is investigated, Congress and the courts are notified, corrective measures are

taken, and improvements are put in place to prevent reoccurrences.

As a young Navy officer during the Vietnam years, I experienced public scorn for those of us who served in the Armed Forces during an unpopular war. Challenging and debating the wisdom and policies linked to wars and warfighting is important and legitimate; however, disrespect for those who serve honorably within legal guidelines is not. I remember well the pain of those of us who served our country even when the policies we were carrying out were unpopular or could be second-guessed.

We in the Intelligence Community should not be subjected to similar pain. Let the debate focus on the law and our national security. Let us be thankful that we have public servants who seek to do the difficult work of protecting our country under the explicit assurance that their actions are both necessary and legal.

There will almost certainly be more media articles about the actions of intelligence agencies in the past, and as we do our vital work of protecting the country we will make mistakes that will also be reported. What we must do is make it absolutely clear to the American people that our ethos is to act legally, in as transparent a manner as we can, and in a way that they would be proud of if we could tell them the full story.

It is my job, and the job of our national leaders, to ensure that the work done by the Intelligence Community is appreciated and supported. You can be assured the President knows this and is supporting us. It is your responsibility to continue the difficult, often dangerous and vital work you are doing every day.

Sincerely,

DENNIS C. BLAIR.

Mr. CORNYN. Mr. President, I am going to turn to another subject, but may I inquire how much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator has 27 minutes remaining.

Mr. CORNYN. I assure the Chair I will not use all that time.

HEALTH CARE REFORM

Mr. President, I wish to discuss another very serious challenge in our country and that is how to reform our broken health care system to serve the needs of the American people and to help bring down the costs of health care, which now prices many people out of the market and contributes to the too large number of Americans who don’t have health insurance.

I am a relatively new member of the Senate Finance Committee, and under the leadership of Senator BAUCUS and Senator GRASSLEY, we have been discussing our various policy options for some time. There has been some discussion on the floor about the subject. Indeed, my colleagues from Oklahoma and North Carolina, Senator BURR and Dr. COBURN, have introduced a bill which they believe addresses the need for health care reform in a significant way.

On Monday, I am going to return to my State of Texas and travel around the State to basically talk about commonsense solutions to this health care crisis. Last Monday, I spent some time in Houston, TX, with the Houston Wellness Association and others concerned about how we can spend more of

our energy and effort on keeping people healthy and preventing disease which will, of course, avoid unnecessary human suffering but also help us contain the too high price of health care.

We know what is at stake in the health care reform debate. I believe my constituents in Texas—and I believe the American people, generally—don't want to be served up a fait accompli in Washington. They don't want to wake in July or August and find that Congress has taken a blank sheet of paper and basically deprived them of the opportunity to keep the health care they presently have and instead present them with something else which they don't want and which does not promise to make health care more accessible but, rather, will make it more expensive and less accessible. I know my constituents in Texas don't want elites in Washington to make decisions for them. They want to be informed about the debate, and they want to then discuss with me and their other elected representatives what they want—not what is dictated to them from Washington inside the beltway.

Whether you are putting together a family budget or a business plan, we all see the same problem, and that is the rising cost of health care. We know health care costs have risen faster than inflation in both good times and bad times. Health care costs, we know, force many self-employed workers and small businesses into the ranks of the uninsured. We also know that health care costs in America are twice as much per capita than they are in most of the developed world. In fact, we spend roughly 17 percent of our gross domestic product on health care. I believe the next highest country to us is Japan, an industrialized country, which spends roughly 9 percent of GDP.

But we also know there are a lot of hidden costs—there are not just the obvious costs—on families and businesses. These hidden costs show up in smaller paychecks for working men and women all across this country. All things being equal, one would think that rising productivity of the American worker would lead to higher wages, but instead, for many workers, more compensation takes the form of higher health care premiums, when they could be receiving greater compensation in terms of wages that they could then spend on other purposes. But because of rising deductibles, copays, and the rising costs, we see rising health care costs actually squeeze worker pay in America such that, in many instances, that pay is stagnant, if not declining.

Hidden costs also show up in the \$36 trillion of unfunded liabilities in the Medicare Program, as well as other entitlements. Our people are concerned about the hidden costs of all the borrowing we are doing in Washington and the unprecedented spending. Nearly 50 cents on every dollar spent in Washington is borrowed, leaving the fiscal responsibility for our children and

grandchildren and not taking it upon ourselves.

In fact, as we know, the Federal deficit in 2009 will be nearly as large as the entire Federal budget was in 2001. Let me say that again. This is staggering. The Federal deficit in 2009 will be nearly as large as the entire Federal budget in 2001. As the distinguished occupant of the chair, who is the former chief executive of his State, the Commonwealth of Virginia, knows, that kind of growth cannot be sustained indefinitely. Indeed, we are cruising for a disaster when it comes to unrestrained health care costs, both for individuals and for small businesses but also for the Government when it comes to entitlement spending.

I agree with what President Obama said last week. He said our current deficit spending is unsustainable. I agree with that. He said we are mortgaging our children's future with more and more debt. I think all Americans agree with what President Obama said, but we have yet to see the hard decisions that would lead us back to a path of fiscal discipline. It is the contrary: more spending, more borrowing, with no fiscal discipline. As we look at health care reform, our people want solutions that will lower the costs of health care, without increasing the debt, without raising taxes, and without reducing quality or access to care.

I have heard a lot of discussions in the context of the Finance Committee, talking about what options are available to the Congress in dealing with this health care crisis and, honestly, most of them deal with how we can empower the Government to make more and more decisions on behalf of patients. I think that is the opposite direction from which we ought to go to approach this problem. We ought to look at what puts patients back in charge; what gives individuals the power to consult with their own private physician and make a decision; what is in the best interests of themselves and their family when it comes to health care. Let's not put barriers in the way of that sacred relationship between a patient and a doctor, and for sure let's not use rationing—denying and delaying access to care—as government-run programs abroad use in order to control costs.

Let's put patients back in charge. That ought to be our battle cry as we approach this current crisis.

Patients should have more control, not less control, over their own health care. One way we can do that is giving them more and better information on cost and quality of their care. How in the world can we have an effective market for health care, which will provide lower costs, if, in fact, patients are denied access to information about cost and outcomes? They not only want to know how much it is going to cost them; they want to make sure it is a good, quality service, and we ought to be in the business of providing them that information. We ought to be in-

sisting, as their elected representatives, that we have access to that information in deciding how to spend their money in entitlement programs such as Medicare and Medicaid. Patients should also, I believe, have a choice of providers who compete for their business. We know that competition produces higher quality, better service, and a lower price. We can see that across the board. When the market helps discipline spending, it improves quality and lowers price. We can do that in health care by empowering individuals and giving them more access to information, greater transparency, quality, and price, making them better informed consumers.

We also know our tax and our legal system need reform so all Americans are treated fairly. We have to end the cost shifting that now goes with too low reimbursement rates for Medicare and Medicaid, which means it is harder and harder for an individual to find a doctor who will actually accept those submarket rates to care for them.

I was in Dallas a couple years ago. I was in an emergency room at a hospital, while touring the hospital, and there was this wonderful woman who came into the emergency room and someone asked her what she wanted. She said: I need my prescriptions refilled—in the emergency room at a hospital in Dallas. She couldn't find a doctor who would accept her as a new Medicare patient, so the only place she knew where to go was to the emergency room to get a prescription, to refill her medications. That is incredibly inefficient and an incredibly costly way to deliver health care. We have to find a way to do it better.

Right now we know that for private health insurance, the costs are shifted in order for health care providers to provide care to everybody. That cost shifting results in higher premiums, smaller paychecks, tax increases, and more public debt, and we ought to attack it head-on.

We also know from experience that putting patients in charge can lower health care costs. At the Federal level, believe it or not, we actually have a Federal program that, contrary to intuition and some people's skepticism, actually demonstrates this.

This is a success of Medicare Part D, the prescription drug program. Medicare Part D gives seniors choices among entirely private plans, with no government-run plan at all, no "public option" at all. As a result of the successes of Medicare Part D, seniors have seen program costs that are 37 percent less than anticipated, and more than 80 percent of seniors are satisfied with the program.

I think this example proves the point I was making earlier—that greater access to information about quality and cost gives people more choices, creates competition in a market that disciplines cost, and ultimately brings down those costs and increases satisfaction.

At the State level, good ideas for Medicaid reform have come from Florida, South Carolina, Indiana, and other States. These programs have given some of the lowest income Americans more choices and more control over the dollars spent on their behalf. Again, costs are lower and participants are generally satisfied with these programs.

The private sector has some very good ideas as well. Steve Burd, of Safeway, has talked to many of us on both sides of the aisle about their successful experimenting with health care costs at their company by providing financial incentives to quit smoking, lose weight, exercise, control blood pressure and cholesterol, and get the appropriate diagnostic tests at a reasonable price.

There is also another successful program, and I am going to meet with executives and employees at Whole Foods, which is located in Austin, TX, where I live. Whole Foods has conducted a successful experiment with high-deductible insurance plans with personal wellness accounts that each employee controls. Whole Foods has seen fewer medical claims, lower prescription drug claims, and fewer hospital admissions through this program.

So why in the world would we want to dictate a single-payer system out of Washington for 300 million people when we have seen successful experiments and innovation across the country that we can learn from and adopt to empower patients and consumers, not Washington bureaucrats? Some, though, in Washington have simply given up on the private sector when it comes to delivering health care needs. They want to shift more power and control to the Federal Government. I think that is a terrible mistake.

We have heard ideas about how to increase spending to pay for more Government control, at a time when we already spend 17 percent of the GDP on health care—again, nearly twice as much as our next closest competitor in an industrialized nation, Japan—17 percent in the United States compared to 9 percent in Japan, and other countries are far lower.

Raising taxes is simply a terrible idea, especially during a recession. Raising taxes would also break the President's pledge he made in the campaign last year when he assured Americans that no family making less than \$250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes. But we can help the President keep his pledge—not help him break it—by empowering patients and consumers, ordinary Americans, to make their decisions and not empower bigger and bigger government to take those decisions away from them and dictate them.

In the Finance Committee, we have heard a number of proposals that may improve care but are not going to contain costs—at least according to the

CBO. These proposals include what I would consider to be commonsense approaches that I think are good, such as more health care technology and prevention initiatives. We have even seen a number of interest groups, provider groups, appear with the President last week, pledging they would cut the growth of health care costs, over the next 10 years, \$2 trillion. That all sounds good until you start looking at it and realize there is actually no enforcement mechanism at all. It is a meaningless pledge, and there is going to continue to be upward pressure on health care costs across the board unless we do something about it.

Only in Washington, DC, would people embrace the notion that to save money, you have to spend more money. It is not just counterintuitive, it is unproven. I don't think there is any justification for that suspicion. If there is, I would just love to see it. I don't think we ought to take as a matter of blind faith that by spending over a trillion dollars more of tax money on top of the 17 percent of GDP we are already spending now, that somehow miraculously, with the wave of a wand, by suspending our powers of disbelief, we are going to bend the curve on the growth of health care costs, which are bankrupting the country when it comes to Medicare and putting health insurance and health care out of the reach of many hard-working Americans.

We have heard about some interesting ideas, such as comparative effectiveness research, which sounds good at first blush. In the stimulus plan, the Federal Government spent, or pledged, more than a million dollars on that. It sounds pretty good. Let's find out what works. Well, I am concerned that the Government will use this research to delay treatment and deny care. The way the Government contains health care costs is by rationing, pure and simple. That is what happens in Medicare. I mentioned the woman in Dallas who couldn't find a doctor to accept her as a new Medicare patient. It is because the Government reimburses at such a low rate. So we have a promise of coverage, which everybody applauds, but it denies people access because the Government denies and delays care by using rationing as a way to control costs. We don't need that. Certainly, we don't need that, based on the "cookbook" medicine prescribed by Government bureaucrats, who will say: We will pay for this procedure but not that other procedure because it is not in our "cookbook." Last week, Medicare refused to pay for less-invasive colonoscopy procedures. I don't think the American people are crying out for more Government control of their health care decisions based on cost-based decisions. That is what they would get if the proponents of the so-called public plan get their way.

Again, I don't know who it is in Washington, DC—there must be a little group, a cabal of individuals sitting behind closed doors, that tries to think

up innocuous names, such as "public plan," for some really scary stuff. A "public plan" is simply a Washington takeover of health care; it is plain and simple. It is not an option. In the end, it will be the only place you can go under a single-payer system.

We should take this pledge, too, Mr. President. We should guarantee that Americans who currently have health insurance that they like ought to be able to keep it—that is about 85 percent—as we look for ways to increase access for people who don't have health insurance. One think tank that looked at this so-called public plan—or Washington takeover of health care, which would drive all private competitors out of the market by undercutting them—estimated that 119 million Americans will lose their private health insurance if this Washington takeover, under the title of "public plan," is embraced.

We know the Federal Government is not a fair competitor. While it serves also as a regulator and a funder, the Federal Government says: Take it or leave it. It is price fixing. Nobody else can compete with the Federal Government. The public plan, so-called, would simply shift cost to taxpayers and subsidize inefficiency, as Medicare and Medicaid do today. They are broken systems that we don't need to emulate by making Medicare for all. Why would we emulate Medicare when it is broken and on an unsustainable financial path? We need new ideas and innovations that put the people in charge and will help bring down costs. Greater transparency, more choices, and market forces will increase satisfaction while bringing down costs.

There is another scary concept out there that is called a "pay or play" mandate for employers. When I talk to small businesses in Texas, they tell me one of their most difficult decisions is how do they provide health care for their employees in small businesses? It is hard to get affordable health insurance. Some in Washington are proposing taking this to what I would call a "mandate on steroids." Basically, it would say that if a small business doesn't provide health insurance coverage for its employees, it is going to have to pay a punitive tax. That is why they call it "pay or play." New mandates on job creators would do nothing but head us in the wrong direction during a recession, where we are fighting the best we can in the private sector to create new jobs and retain the ones we have. We know the costs of this "pay or play" mandate are going to ultimately be passed down to the workers in the form of lower wages, just as they are today under a broken system.

I have heard good ideas about health care reform. I hope we will have a robust debate about the options available to the American people to fix this broken system. I have to tell you that many proposals out there that seem to be gathering momentum are deeply troubling. As I have said, I believe the

best way to approach health care reform—indeed, governance generally—is from the bottom up, not the top down.

We need to take our time and get this right and not, in our haste, produce a bad bill that will even deny people the choices and coverage they have now. We need to listen to the people who are running small businesses and raising families across this country. That is what I plan to do in Texas next week. I hope my colleagues will take advantage of the next week's recess to do likewise.

This is too important to get done wrong. Let's take our time and listen to the stakeholders and people who will suffer the negative consequences if we get it wrong, and let's work together with President Obama and the administration to try to get it right.

I thank the Chair. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1189

Mrs. HUTCHISON. Mr. President, I now have 20 cosponsors of amendment No. 1189. I ask unanimous consent to add Senator KLOBUCHAR, Senator CARDIN, Senator BEN NELSON, Senator BROWNEBACK, Senator ROBERTS, Senator GRASSLEY, Senator BURR, Senator JOHANNS, and Senator SCHUMER as cosponsors of amendment No. 1189.

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

Mrs. HUTCHISON. Mr. President, I add these cosponsors because more and more of our Senators are learning what has happened to these dealerships that have been notified by Chrysler that they have 3 weeks to completely dissolve a business that has been part of a community for 20 years, 30 years, up to 90 years. The oldest car dealership in Texas is 90 years old—a grandfather, father, and now a son running that car dealership. They were noticed 3 weeks from May 14 that dealership will be closed.

Just to give a view of what the dealers received on May 14 and why these 789 who received this notice are so concerned is because the letter they were sent says:

As a result of its recent bankruptcy filing, Chrysler is unable to repurchase your new vehicle inventory. As a result of the recent bankruptcy filing, Chrysler is unable to purchase your Mopar parts inventory. And furthermore, as a result of the bankruptcy filing, Chrysler is unable to purchase your essential special tools.

After 90 years of operating a Chrysler dealership, a company is now told they will have no ability after 3 weeks to sell a Chrysler automobile, nor will there be a guarantee for repurchase.

What my amendment does, which now has 20 very bipartisan cosponsors, is to say: Give these dealers 3 more weeks. Give them 3 more weeks to have an orderly transition out of a company. There are estimated to be 40,000 employees of these Chrysler dealerships who received 3 weeks' notice—40,000. We are dealing with so many issues in these auto manufacturer closings, the bankruptcies. We all want the auto manufacturers to stay in business. We do. The Government is making a huge investment in that hope. But the group that is getting nothing right now is the dealers.

The dealers also are the group that has done nothing that caused this problem in the first place. They did not design the cars, they did not manufacture the cars, but they did buy them. There is no cost to the company that manufactures because these dealerships have purchased these cars. They have purchased the parts. They have purchased the special tools to do the repairs. Yet now they are being told they cannot sell, they cannot repair and, oh, by the way: We are not going to guarantee you will have your parts and inventory bought. This is just not right. That is why there are 20 cosponsors to this amendment, and it is growing by the hour.

I submit for the RECORD a letter that Senator ROCKEFELLER wrote to the chief executive officer, Robert Nardelli, in which he, too, is protesting the egregious timeframe and terms of these franchise terminations which he said "seem unprecedented to me."

As you know, most auto dealers have a few months of inventory of new vehicles on their lots, though some may have up to 6-months' worth. This means if the dealers stopped adding cars to their inventories last week when GM and Chrysler announced their decisions, they would still be able to sell cars for 6 months before they run out.

But Chrysler is saying they will not buy back this inventory or even parts and instead has arranged for the remaining dealers to buy the unsold cars from dealers set to lose their franchises. But there is no guarantee of that. Right now it is just a hope.

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

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, May 20, 2009.

ROBERT NARDELLI,
Chief Executive Officer, Chrysler LLC, Auburn Hills, MI.

FRITZ HENDERSON,
Chief Executive Officer, General Motors Corporation, Detroit, MI.

DEAR MR. NARDELLI AND MR. HENDERSON: I am writing to express my deep concern with Chrysler's and General Motors' (GM) recent announcements to terminate franchise agreements with 789 and roughly 1,100, respectively, automobile dealerships across this country and to urge both of you to reconsider these decisions. It is my belief that we must work to keep as many of these busi-

nesses open as possible, and at the very least assist these dealerships, the employees, and their loyal customers transition as we move forward in this process.

Between Chrysler and GM, it appears that approximately 100,000 jobs nationally are at risk as a result of the dealership closings. In West Virginia, 17 of 24 Chrysler dealerships have been told their franchises will end on June 9, 2009, while a publicly undisclosed number of GM franchises were notified that their agreements will stop in October 2010. This puts hundreds, if not thousands, of employees' jobs at risk and will have a crippling impact on local communities across the State as less tax revenue will likely translate into cuts in important and much needed government services, especially during these challenging economic times.

The egregious timeframe and terms of these franchise terminations seem unprecedented to me. As you both know, most auto dealers have a few months of inventory of new vehicles on their lots, though some may have up to six-months' worth. This means if the dealers stopped adding cars to their inventories last week when GM and Chrysler announced their decisions, they would still be able to sell cars for six months before they run out. From what I have been told, Chrysler will not buy back this inventory of vehicles or even parts and instead has arranged for the remaining dealers to buy the unsold cars from dealers set to lose their franchises. So come June 10th, terminated dealers will only be able to sell that inventory to remaining dealers, likely at substantial losses since they may well have backlog of inventory themselves. While GM has at this point agreed to allow its terminated dealers to continue to sell vehicles until October 2010, I am concerned that this deadline will be moved up if GM enters bankruptcy as many expect.

Such franchises face a similar situation when it comes to large inventories of parts and manufacturer-related tools. From discussions with these dealership owners, it appears that some of this inventory may have been accepted as a result of manufacturer pressure to purchase additional, unneeded stock, possibly in order to help the companies avoid bankruptcy. Now these dealerships will likely have no other alternative but to sell their stock of parts and tools to surviving dealers for pennies on what they paid.

I am also worried about the negative impacts of your companies' decisions on consumers who have warranties and service contracts, especially in rural areas like West Virginia. Many families have consistently bought cars from the same dealership in their local community and have built long-term relationships with the dealership's owner. Now these West Virginians will be forced to travel unreasonable distances due to the local dealership having their franchise agreement terminated. In some cases, customers will be in the untenable position of having to drive over an hour to simply have their cars serviced and their warranties honored.

While I understand that as part of GM's and Chrysler's restructuring you may need to examine your dealership contracts, I urge you to reconsider your decisions to terminate these franchise agreements. As two companies that have received billions of dollars in Troubled Assets Relief Program (TARP) funding, I would hope at the very least that Chrysler will establish a more reasonable transition period that will allow its terminated franchises to stay open beyond June 9th. I would also hope that regardless of whether it enters bankruptcy, GM will honor its commitment to allow terminated dealers to remain open until October 2010.

Both of these actions would permit dealerships to sell most of the inventory of their vehicles, parts, and tools; maintain their used vehicle businesses and service and repair centers; allow consumers to continue to have access to quality service and the honoring of warranties and service contracts; and keep job losses to an absolute minimum.

Thank you for your urgent attention to these important matters. I look forward to receiving prompt responses from you both.

Sincerely,

JOHN D. ROCKEFELLER IV.

Mrs. HUTCHISON. Senator ROCKEFELLER is concerned, as many of us are, that the dealers are the roadkill in this, and they are also the people who have run successful businesses. They have sold the cars. They have employees. They have investments in the community. In many instances, these are the largest employers in the community. They support the high school football program. They support the community charitable events. We are not only knocking out 40,000 employees, we are not only knocking out the people who have given their faith and loyalty to this brand, but we are knocking out a huge chunk of community activism and volunteer service to the many communities affected by these closings.

I talked with the president of Chrysler this morning, and I believe he sincerely is trying to save the company, and we want him to do that. But it has been half a day, and I have not seen a progress report that we will be able to come back to the floor and say these dealers are going to get some help from Chrysler.

The President says he wants to help. But I think it is time now that we get some sense of what help is. If it is purchasing the inventory, getting the financing for the new and ongoing dealerships that will stay in business, we need to know that. These dealers need to know it so they can plan. My goodness, it is now probably 2 weeks or so, until June 9, and these people are having to plan for the orderly transition of their companies, hopefully not into bankruptcy, but many of them are going into bankruptcy.

I have been told some of these are Chrysler dealers, but they have other dealerships as well. The Chrysler dealership could bring down the ongoing one. I think it is time for the Government that is trying to help the manufacturers to say we need to help the dealers too. We do not need to have a bailout for the dealers, but we do need to give them time to have their orderly transition or give them credit possibilities with the dealerships that are going to stay in business and have them take the inventory. That would be the logical thing to do. But we need a commitment.

The 20 cosponsors of this amendment, when they hear from their dealers and they hear what is happening, want answers and they want answers before this bill leaves the floor. I hope I can give a better result than I have gotten so far today from the White House and

from Chrysler that something is coming together. I think everyone has the right goal. We need to work together to achieve that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

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

HONORING OUR MILITARY

Mrs. LINCOLN. Mr. President, I think a lot of folks are looking toward the weekend. It is a holiday weekend. I know I am reflecting on that holiday weekend. I hope others are as well because on this Memorial Day, families in communities throughout Arkansas, our great State, and across our great Nation will gather to recognize the service of our men and women in uniform and to honor those who have paid the ultimate sacrifice in the name of freedom.

My father and both of my grandfathers were infantrymen who proudly and honorably served our Nation. They taught me from a very early age about the sacrifices of our troops, their experiences, the sacrifices of our troops and their families and what they have done to keep our Nation free.

Throughout my Senate career, I have consistently fought for initiatives that provide our military servicemembers, our veterans, and their families the benefits they have earned and deserve. That is why in advance of Memorial Day, which is right before us, I have authored a series of bills to honor our troops and their families.

My first legislative proposal calls for educational benefits that better reflect the service and commitment of our guardsmen and reservists. This legislation is endorsed by the Military Coalition, a group of about 34 military veterans and uniformed service organizations, with over 5.5 million members. I am pleased that my friend and colleague, Senator CRAPO of Idaho, with whom I routinely join in a bipartisan way on a whole host of issues—we came to the House together, and we came to the Senate together. He is a good friend and good working partner on behalf of substantive issues. He has joined me in cosponsoring this bill.

Unfortunately, educational benefits for the members of our Selected Reserve have simply not kept pace with their increased service or the rising cost of higher education. These men and women serve a critical role on our behalf, and we must make an appropriate investment in them.

In Arkansas and across the country, Americans are well aware of the reality that our military simply could not function without the thousands of men and women at armories and bases in our communities who continually train and prepare for future mobilizations and who work to ensure other members of their units are qualified and ready to deploy when called upon.

My legislation would tie educational benefit rates for guardsmen and reservists to the national average cost of tuition standard that is already applied to Active-Duty educational benefit rates. This builds upon my total force GI bill, first introduced in 2006, which was designed to better reflect a comprehensive total force concept that ensures members of the Selected Reserve receive the educational benefits that are more commensurate with their increased service.

The final provisions of this legislation became law last year with the signing of the 21st-century GI bill. In addition, the National Guard and Reserve have been and will continue to be an operational force serving overseas, and as such they require greater access to health care so that members can achieve a readiness standard demanded by current deployment cycles.

Far too many men and women are declared nondeployable because they have not received the medical and dental care they need to maintain their readiness before they are called up. This can cause disruption in their unit by requiring last-minute replacements from other units or requiring treatment during periods that are set aside for much needed training and experience they need to gain before they are deployed.

Compounding the challenge is the fact that short-notice deployments occur regularly within the National Guard. The Department of Defense can and should do more to bring our Selected Reserve members into a constant state of medical readiness for the benefit of the entire force.

My bill, the Selected Reserve Continuum of Care Act, would better ensure that health assessments for guardsmen and reservists are followed by Government treatment to correct any medical or dental readiness deficiencies discovered at their health screenings.

This legislation is endorsed by the National Guard Association of the United States, the Association of the United States Army, the Association of the United States Navy, the Enlisted Association of the National Guard of the United States, the Reserve Officers Association, the Retired Enlisted Association, the U.S. Army Warrant Officers Association, and the Veterans of Foreign Wars of the United States.

I also thank Senators LANDRIEU and BURRIS for their support in cosponsoring this bill as well.

Lastly, a bill I have introduced today, the Veterans Survivors Fairness Act, would enhance dependency and indemnity compensation benefits of survivors of severely disabled veterans and increase access to benefits for more families. In doing so, it would address inequities in the VA's DIC program by doing three things. First, it would increase the basic DIC rate so it is equivalent to the rate paid to survivors of Federal civilian employees. It also would provide a graduated scale of benefits so many survivors are no longer

AMENDMENT NO. 1138

Mr. DEMINT. Mr. President, do we need to set aside a pending amendment?

The PRESIDING OFFICER. Under the previous order, the Senator is recognized.

Mr. DEMINT. It is my understanding, Mr. President, that I have 20 minutes to speak.

The PRESIDING OFFICER. That is correct.

Mr. DEMINT. I would like to say a few words now and then reserve the remaining time.

Mr. President, I am going to speak on my amendment to S. 1054, and it addresses a large amount of money that has been added to the war supplemental bill. In these times, it is, first of all, somewhat surprising that we would take \$108 billion and add it, unrelated to war supplemental, to this spending bill. My amendment would strike \$108 billion from the current spending bill, and I would like to take a few minutes to explain exactly what my amendment does and what we are striking.

The Chair and all my colleagues know these are very challenging times. We often refer to it as one of the worst economic crises we have had. I think we and many Americans are concerned about how much we are spending, how much we are borrowing, and what that might mean in the not-too-distant future as it relates to inflation and interest rates and higher taxes. I am hearing very often when I go back home: Enough is enough.

We have to remember, as we look at this amount of money that has been requested, what happened to what we called the TARP funds. The last administration asked us to come up with \$700 billion to be used for a financial bailout because we were in a crisis, and the money was going to be used—and this was very clear—to buy toxic assets, nonperforming loans, here and around the world. It had to be done immediately or the world financial system would collapse. Under that duress, Congress approved \$700 billion—really, a trillion with interest, over time—but none of the money was ever used as it was supposed to be used. We never bought any toxic assets. In fact, the money was used in different ways: to inject money into banks—even some banks that didn't want it; it has been used to make loans to General Motors and to Chrysler; and now we are talking about converting those loans to common shares so that the Government is owner of General Motors and Chrysler, as well as the AIG insurance company and possibly part owners of many banks.

But the interesting part of this that relates to my amendment is that this week I asked Secretary Geithner: What is going to happen when this money is repaid? Well, if it is repaid, he said, it will go into the general fund, but the Treasury will maintain an authorization to take up to \$700 billion from the

denied benefits because of an arbitrary eligibility restriction. Lastly, it would allow surviving spouses who remarry after the age of 55 to retain their DIC benefits.

This legislation, cosponsored by my good friend, Senator HERB KOHL of Wisconsin, is endorsed by the Disabled American Veterans, the Association of the United States Navy, the Military Officers Association of America, the National Guard Association of the United States, the National Military Family Association, and the Reserve Officers Association. It is not coincidental that these two measures are supported so heavily by our military associations. It is because they are much needed and it is because they are so deserved. Beyond these three bills, veterans health care continues to be on the top of my priority list. I have worked with my colleagues to make substantial investments to increase patient travel reimbursement, improve services for mental health care, and reduce the backlog of benefit claims.

Access to the Veterans' Administration health system is absolutely critical, but too often it is quite challenging, particularly for our veterans who live in the rural areas of our Nation. For these veterans, among the other initiatives I have championed, I have championed legislation with my friend and colleague, Senator JON TESTER of Montana, that will increase the mileage reimbursement rate for veterans when they go to see a doctor at a VA medical facility and will authorize transportation grants for Veterans Service Organizations to provide better transportation service in rural areas.

I have been to areas in southern Arkansas, very far from Little Rock—3, 3½ hours' travel—visiting with veterans down there who are in dire need of access to that VA medical care. Yet their ability to get there was hampered by the fact that they were only reimbursed one way; not to mention the fact that their reimbursement was so low—so far below what a Federal employee gets reimbursed—it was uneconomical and almost prohibitive in getting them there.

As Memorial Day approaches, I hope all my colleagues will remember, and I would like to encourage them and all Arkansans, to take the time to honor our servicemembers, veterans, and their families. Never miss an opportunity to thank someone in uniform. Our troops are worthy of our appreciation, and we should come together as a nation to show them with our words and our deeds that we stand with them as they serve our interests at home and abroad. As we all gather in preparation of a recess break, I hope we will all remember the reason we have this break, the reason we celebrate this holiday.

Those of us who have military in our family, those of us who do not, it doesn't matter, we all enjoy the freedoms of this great country, and it is critically important that we show that

not only on Memorial Day but each day of the year. The opportunity we have as legislators to honor our men and women in uniform, to support them with legislation that is meaningful to their lives, to their service, and to their families is absolutely essential. I encourage all my colleagues to look at the legislation I have offered, along with several of our colleagues, and encourage them to join me as we begin this Memorial Day break coming up next week and to remember why we celebrate, why we celebrate this Nation and these freedoms. It is because of the men and women in uniform who have served so bravely, and for those who have made the ultimate sacrifice, that we enjoy this great land and these freedoms and rights that we do enjoy in this great country.

Before concluding, I would like to add a couple other notes. I couldn't help but hear the comments of my colleague from Texas, and I wish to join her in her frustration for so many of our small and family-owned businesses across our State—our automobile dealers—that, for generations and generations, have passed down in their families a small business that they have worked very hard to keep afloat, to keep busy, to keep healthy, and to keep alive for future generations. My hope is that we will have the assistance and the working relationship with both the Treasury and the Chrysler Corporation and GM and others to better understand how we make that transition as reliable and certainly as palatable to those individuals and their families and small businesses as we possibly can. I look forward to working with the Senator from Texas and with other Senators as well as we move forward in that effort.

Last, but not least, I would like to also mention and extend my congratulations to our newest "American Idol," Arkansas' own Kris Allen, who represented our State so well over the past few months in the "American Idol" television show, which has been so popular among so many people in this country.

Kris is a talented young man with a bright future ahead of him, and I look forward to watching him build a very successful career. I join all Arkansans when I say how proud we are of Kris, not only as a talented performer but as a humble young man who embodies our Arkansas values of hard work, integrity, and conviction. We wish him all the best as we begins this new phase of his life and career.

I yield the floor, and 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. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

general fund anytime from now on. It becomes a permanent slush fund for Treasury. So what we have done is made the Treasury Department appropriators. Anytime they want, they can appropriate up to \$700 billion.

That is, in effect, what we are doing with the International Monetary Fund. Let me explain to my colleagues a lot of things I didn't know until I looked into this. The International Monetary Fund was set up to make loans to nations; to help nations that might need money to get through a financial crisis. Many nations are involved, but we give them \$10 billion as a kind of deposit to the fund. Currently, the IMF has the authority to use that money continuously. But we also give them the right to draw another \$55 billion from our Treasury at any time. In effect, the International Monetary Fund can appropriate \$55 billion from the U.S. Treasury anytime it wants. They now have over \$60 billion of our money that they can use all over the world.

We can debate whether that is a good thing, but what the President has asked for, and this bill provides, is an additional \$100 billion credit line, in effect, to the International Monetary Fund, and it ups our deposit another \$8 billion. We are going to take another \$8 billion and put it in the International Monetary Fund to be used. But then we make appropriators out of the International Monetary Fund. We give them a permanent credit line of an additional \$100 billion that they can appropriate anytime they want around the world.

There are a lot of good things we would like to do as a country, as a Congress. We would love to improve our education system. There are a lot of challenges in health care. We have talked about our roads and bridges decaying. There are so many good things we would like to do that we don't have the money for. How can we possibly tell an International Monetary Fund that they can take \$100 billion anytime they want from the U.S. Treasury if there is an emergency somewhere in the world?

There will be emergencies in these times. The interesting issue we are not thinking about is we are going to have more and more crises here at home. We know California is heavily in debt—over \$20 billion. They are talking about a financial collapse, as is New York and other States. But the size of California's debt is only one-fifth of what we are giving the International Monetary Fund.

I don't think we have added up all of this. I am very concerned we are not considering how much money we are talking about. Let's put \$108 billion in context. I know some will come and say we are not spending that amount of money, we are just authorizing it, which means it can be appropriated anytime, but we are not spending it. In fact, they took the effort to get CBO to change the way it normally scores so this is not spending. They are saying

the risk is only like \$5 billion. But the International Monetary Fund can take \$100 billion out of our Treasury anytime it wants.

With the world situation the way it is, I think we are being very naive to think it will not come out. We were told most of the TARP funds would not be used. We used most of the TARP funds.

But let's think about this \$100 billion. That is more than we spend as a Federal government on transportation all year. The 2010 budget for transportation is \$5 billion. It is more than we spend on education for a whole year—\$94 billion in our country. It is more than we spend on veterans' benefits. It is a lot of money. But very often we are talking about our own services to our own people in this country for which we do not have enough money. We need to remember the International Monetary Fund, while it may serve in theory a good purpose, people on the board who decide how this money is used include countries that we say are terrorists, such as Iran. Do we think Iran is going to help the United States when we are in trouble?

Let's look at our current situation. Our current national debt as a country is \$11.2 trillion—more than any other country in the world. We are the most indebted country in the whole world. Our per capita debt is \$37,000. Every man, woman and child in this country owes \$37,000, based on what we have already borrowed. But if you include Social Security and Medicare liabilities, our current expenditures will exceed tax revenues by \$40 trillion over the next 75 years. Our debt is now 80 percent of our gross domestic product—80 percent of our total economy, which is the highest level since 1951.

The President's budget estimates that total debt relative to our total economy will rise 97 percent by 2010 and 100 percent thereafter. We are going to have debt that is larger than our total economy in the next year or two.

We currently owe \$740 billion to the People's Republic of China and we owe \$635 billion to Japan and \$186 billion to the oil exporters. Keep in mind, if the IMF does access this \$108 billion, we will have to borrow it in order for them to get it, and we will have to pay interest on that money. We will be told we will earn interest on any money that is borrowed, but we will likely pay even a higher interest rate in order to make that money available. When we do, we increase our debt even further.

Mr. KERRY. Will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. KERRY. I appreciate that. Let me ask the Senator, I think the Senator said this is a permanent fund, that we would be permanently reduced from this amount of money. Is the Senator aware this expires and is renewable every 5 years? That there is no permanency at all?

Mr. DEMINT. Does the Senator have that? I have the bill with me. It would

be a great help to point this out. Of course, 5 years, the drawing of \$100 billion anytime in the next 5 years is something we should not even consider.

Mr. KERRY. Will the Senator yield further?

Mr. DEMINT. Yes.

Mr. KERRY. Is the Senator also aware it is not \$100 billion, that CBO scored it at \$5 billion and, in fact, the experience of our country is we earn interest, we make money, and this is a winning proposition for the country?

Mr. DEMINT. That is a little smoke and mirrors. If the Senator will allow me to read from page 104 of the bill, on line 4 it says:

Any payments made to the United States by the International Monetary Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the International Monetary Fund.

You may have a date somewhere on this, but that is pretty clear, that it will continue to be a draw.

Mr. KERRY. Mr. President, if I could proceed further? In point of fact, it is limited, and it has to be repaid at the end of 5 years if it is not renewed.

Mr. DEMINT. Do you have the cite?

Mr. KERRY. I will further get that for the Senator.

Mr. DEMINT. I will answer the Senator on how much this costs. I think the Senator is aware, as I said, our normal way of measuring costs was changed for this bill. We are saying that, OK, if the International Monetary Fund accesses this money, it is just a loan so it is not a cost. But we have no guarantees it will get back. We say the International Monetary Fund has never lost money, but we have never been in these economic times before. We have never been in as much debt as a country. Can we afford, even if it is for the next 5 years, to have an international group that can draw \$100 billion from our Treasury at any point they want? Do we want to be in that position? We have already given the Treasury Department a lot of credit to the general fund for \$700 billion—which the Secretary has basically said is going to continue—and now we are going to give another line of credit to an international group in case there is a crisis around the world when we are facing crises here at home?

Mr. KERRY. Will the Senator further yield? I appreciate it.

Mr. DEMINT. Mr. President, we need to equally apply the time now against both sides.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from South Carolina has the floor.

Mr. DEMINT. I will yield the time in a minute and reserve the remainder of my time. I appreciate the comment of the Senator. I think we should have open debate about this. I would like to talk a little bit more about this idea that a line of credit is not spending. We use that a lot around here. We say we have authorized it but have not appropriated it yet. But what the language

of this bill does is it not only authorizes \$108 billion of new money for the International Monetary Fund, it gives them the power to appropriate it at any time. We may not call that spending around here, but that is just political talk. If that money is taken from our Treasury, we have to borrow money to give it to them, and they may or may not pay it back. We may say the International Monetary Fund has been stable for years, but part of the bill that is going through here today—the other side will say we have collateral, they have gold—but part of the bill here, and what my amendment strikes is, giving the International Monetary Fund the ability to sell over \$12 billion worth of their gold, which is collateral supposedly for our money, in order to create more cash for them to lend around the world.

I am not saying the International Monetary Fund does not have a function. But we have already put at risk over \$60 billion at a time when our country is struggling, at a time when it looks like we are going to triple the national debt over the next years, at a time when many of our States are near bankruptcy, and at a time when we do not have the money to fund the priorities such as health care and transportation, energy research, health research that we are always talking about. We need more money to do those things that are essential here in America. How can we possibly, on a war supplemental bill, add \$108 billion that is unrelated, basically extort the votes out of the Members by forcing us to either vote against our troops or vote against this reckless risk we are talking about taking?

It makes absolutely no sense in this crisis that we have talked about in this country to put ourselves at risk for another \$108 billion, when we don't even know how we are going to pay the interest on the money we have already borrowed.

Mr. KERRY. Will the Senator yield for a question on equal time?

Mr. DEMINT. Mr. President, I yield and reserve the remainder of my time.

Mr. KERRY. Mr. President, I will speak off the leader's time.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I heard the Senator suggest that this is a reckless effort to put American money at risk somewhere else. I would like to share with colleagues a letter written to the Speaker of the House and to the majority leader, saying:

We are writing to express support for the Administration's request for prompt enactment of additional funding for the International Monetary Fund.

This very fund. Let me tell you who the signatories are: former Secretary of State, Republican, Jim Baker; former Secretary of the Treasury, Republican, Nicholas Brady; former Secretary of Defense Frank Carlucci; former Republican Secretary of the Treasury Henry Paulson; former Sec-

retary of State Colin Powell; former chair of the Foreign Relations Committee in the House and now at the Woodrow Wilson Institute, Lee Hamilton; former Secretary of State, Republican, Henry Kissinger; former National Security Adviser Robert McFarlane; former Treasury Secretary, Republican, Paul O'Neill; General Brent Scowcroft, security adviser to two Presidents. I mean, are these people reckless? Are they suggesting we do that because this is a reckless expenditure? Let's not be ridiculous.

The fact is, the Chamber of Commerce—I have a letter here and will I ask unanimous consent the letter be printed in the RECORD.

To the Members of the United States Senate.

The U.S. Chamber of Commerce, the world's largest business federation representing more than 3 million businesses and organizations of every size, sector and region, supports legislation to strengthen the International Monetary Fund included in . . . the supplemental appropriations bill currently being considered by the full Senate. . . .

The worldwide economy is experiencing its worst downturn in more than half a century. While American workers and companies have been hit hard, the U.S. economic recovery may be undermined by even more severe difficulties in some emerging markets. It is squarely in the U.S. national interest to support efforts to help these countries as they confront the financial crisis.

They go on to say:

These U.S. commitments could leverage as much as \$400 billion from other countries and thus ensure the IMF has adequate resources to mitigate ongoing financial crisis.

Mr. President, I ask unanimous consent this letter be printed in the RECORD.

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

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, May 20, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, supports legislation to strengthen the International Monetary Fund (IMF) included in H.R. 2346, the FY 2009 supplemental appropriations bill currently being considered by the full Senate, and urges Congress to reject amendments that would strike the provisions from the bill.

The worldwide economy is experiencing its worst downturn in more than half a century. While American workers and companies have been hit hard, the U.S. economic recovery may be undermined by even more severe difficulties in some emerging markets. It is squarely in the U.S. national interest to support efforts to help these countries as they confront the financial crisis.

With leadership from the United States, the G20 committed to increase the IMF New Arrangements to Borrow (NAB) by up to \$500 billion. The Administration is seeking Congressional approval to (1) increase U.S. participation in the NAB by up to \$100 billion and (2) raise the U.S. quota in the IMF by \$8 billion.

These U.S. commitments could leverage as much as \$400 billion from other countries

and thus ensure the IMF has adequate resources to mitigate ongoing international financial crises. Pre-crisis IMF lending resources (\$250 billion, more than half of which has been committed) are clearly insufficient. Without adequate IMF support, currency crises in especially troubled economies could trigger broader economic and financial problems. Not only is the IMF the appropriate multilateral institution to take preventive action against such crises, its labors help the U.S. and other national governments avoid costlier, ad hoc responses after crises have escalated.

In addition, these measures will signal to the world that the United States is prepared to lead efforts to help emerging market economies overcome the financial crisis. Without adequate IMF support, financial crises in foreign markets may negatively impact U.S. jobs and exports and undermine the U.S. economic recovery. The Chamber encourages you to support the provisions relating to the IMF included in H.R. 2346, the FY 2009 supplemental appropriations bill.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Mr. KERRY. Mr. President, the fact is, this is a loan over which the United States keeps control. We are part of the decision-making of any lending that might take place under this. It is renewable under the New Arrangements for Borrowing Agreement, renewable every 5 years. If we do not renew it, it comes back. Moreover, it is only used in emergency if the other funds of the IMF run down.

This is for American workers. We have a lot of people in America whose jobs depend on their ability to export goods. The fact is, if those emerging markets start to fade, not only do we lose the economic upside of those markets but we also run the risk that governments fail. We have already had four governments that failed because of the economic crisis. The fact is, if they continue to in other places that are more fragile, then you wind up picking up the costs in the long run in potential military conflict, failed states, increased capacity for people to appeal to terrorism and the volatility of the politics of those regions. This is not something we are doing without American interests being squarely on the table—economic interests and national security interests.

I repeat, it has broad-based bipartisan support. I hope colleagues will take due note of that.

With respect to the economics of this, let me share one other quote, which is a pretty important one. Dennis Blair, Admiral Blair, the Director of National Intelligence, was recently quoted as saying, about the first crisis the United States faces today, the most significant crisis we face today, "the primary, near-term security concern of the United States is the global economic crisis and its geopolitical implications."

This is not just an economic vote, this is a national security vote. When you have a group from Jim Baker to General Scowcroft, to Henry Kissinger, and others all suggesting this is in our

long-term and important interest, I think we ought to listen pretty carefully.

I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I have listened to some of the comments by the junior Senator from South Carolina about the President's request to participate in the expansion of the new arrangements to borrow and increase the U.S. quota at the International Monetary Fund.

This authority, incidentally, is requested in order to implement decisions that were made by President Bush.

It is easy to confuse people about this issue, as the Wall Street Journal editorial page confused itself and probably most of its readers earlier this week.

If you are opposed to giving the Treasury Department this authority, the best way to scare people into voting against it is to say that it is a giveaway of \$100 billion in U.S. taxpayer funds to foreign countries. That would scare anyone. If it were true I would vote against it myself.

But it is not true. Our contribution is backed up by huge IMF gold reserves, so the cost to the taxpayers is \$5 billion over 5 years, not \$100 billion. OMB and CBO agree on that, and so does the Senate Budget Committee. And besides being false, it detracts from the legitimate question of why should we do this?

The simple answer is because our economy, and millions of American jobs, depends on it.

Between 2003 and 2008, U.S. exports grew by 8 percent per year in real terms. A key reason for that was the rapid growth of foreign markets. Our exports show a 95-percent correlation to foreign country growth rates since 2000.

During that period, the role of exports in driving growth in the U.S. economy steadily increased. The share of all U.S. growth attributable to exports rose from 25 percent in 2003 to almost 70 percent in 2008.

Because of the global financial crisis our exports peaked in July of last year and have been falling since then. In the first quarter of 2009, our real exports were 23 percent lower than in the first quarter of 2008.

Our export decline is now contributing to recession in the United States.

With an export share in GDP of 12 percent, a 23-percent decline, if sustained over the course of a year, would make a negative contribution to GDP of almost 3 percent.

The stimulus plan we passed is boosting domestic demand. But the benefits of the stimulus are at risk of being wiped out by the decline in exports.

We need to help foreign countries lift themselves out of recession. It will benefit them, but it will also restore our exports as their economies recover and they begin to buy more of our goods and services.

Some foreign countries can take care of themselves with stimulus of their

own, and by cleaning up their own banking sectors.

But many others, especially emerging market economies, have been hard hit. Some countries have been cut off abruptly from capital markets and shut out of credit markets by the banking problems originating in the United States and Europe.

Those countries need to fix their own problems and get temporary finance to avoid a prolonged period of economic decline.

Providing temporary finance and policy fixes is the job of the IMF.

But as the world economy grew in the last decade, the financial resources available to the IMF did not keep up. It has been caught short by the suddenness, severity, and scope of this global crisis.

The request for a quota increase, and the authority to participate in the new arrangements to borrow, will replenish the IMF's resources so it can fight this crisis.

With this money, the IMF will be able to help many foreign economies revive. With this money, the IMF will be ready in case the crisis deepens and takes more victims.

As foreign economies recover, so will ours. We will be spared an even worse decline in our exports, with greater job loss. As our exports resume, people in export industries in every State will be able to go back to work.

This may seem like an arcane issue, but it is of vital importance to the jobs of millions of Americans across this country. I, Senator KERRY, Senator DODD, Senator SHELBY, Senator LUGAR, and others have agreed on substitute language which provides for prior consultation and reports to Congress, as well as greater transparency and accountability at the IMF. It also provides guidelines for the use of the proceeds of sales of IMF gold.

The real choice here is not whether or not we should provide Treasury with the authority that both former President Bush and President Obama have called for.

Rather, it is how we should do it. After we vote on the DeMint amendment, and assuming it is defeated, I will seek consent for the adoption of substitute language that is supported by the chairman and ranking member of the Foreign Relations Committee and the chairman and ranking member of the Banking Committee.

It also has the support of the chairman and ranking member of the State and Foreign Operations Subcommittee of the Appropriations Committee.

The true cost of the authority requested by the President is not the \$10 billion the Senator from South Carolina wants you to believe. That is a scare tactic. It is \$5 billion over 5 years, and that is a drop in the ocean compared to cost to our economy, and to American jobs, by not acting.

Mr. KERRY. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY. How much time remains?

The PRESIDING OFFICER. The Senator from South Carolina has 4 minutes, the Senator from Massachusetts has 4 minutes, the Senator from New Hampshire has 10 minutes.

Mr. KERRY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, this is one of those issues which looks easy on its face because it is politically simple to synthesize and state, but it is not easy; it is a complex issue.

Obviously, anything that has an initial around here in a foreign organization can be easily attacked. The idea of American dollars going to support organizations which have initials, and they are foreign organizations, often gets attacked. But in this instance our national interest is of our concern, our primary concern, and is benefitted by the decision made to carry out our responsibilities relative to the IMF.

How does this work? The International Monetary Fund is essentially an organization set up by the United States during the Bretton Woods Conference in the post-World War II period, the purpose of which was, and is, to have a backstop for countries that get into very deep fiscal problems and to have a place where the rest of the world can go together in the industrialized world and basically meet and support individual countries which have problems. It is actually an opportunity for us as a nation to share the burden which, in the post-World War II period, has fallen primarily to us, to try to stabilize the world economy.

That obviously benefits us a lot. We are the biggest trader in the world. We export massive amounts of goods. Dramatic proportions of American jobs are tied to our capacity to export, and having a stable world economy is critical to our capacity to keep our economy going. That is why we set this up. It was pure, simple self-interest, to set up an international organization to help us stabilize other Nations that run into trouble.

We are now in the midst of, obviously, a worldwide recession that is deep, it is severe, and we felt the brunt of it in the United States, and other nations across the world are feeling it also. Some are in much more dire shape than we are.

The issue is, how can we try to avoid an international meltdown, countries failing and bringing down other countries with them, and how can we benefit ourselves by maintaining stable economies around the world?

Well, one way to do that is to have an international organization such as the IMF which steps up and essentially tries to catch the dominoes before they fall.

There are countries in this world that are going through deep economic

problems, even more severe than ours, which is hard to believe because ours is so severe. If those countries fail to be able to maintain their debt, their sovereign debt, and the leveraged debt of their banking systems, and if they fail as nations, then other nations that have lent to those nations will follow them into failure.

A lot of these nations are in Eastern Europe, a few of them are in the Western Hemisphere. We have already seen two instances of this in Iceland and Ireland, and we know the situation is tentative.

In fact, just today it was reported that even the British debt, the United Kingdom debt, may be downgraded. So the IMF is sort of our primary backstop in the international community to try to avoid that type of event occurring, where one Nation fails on its sovereign debt, or its major banking debt, and it brings down a series of other nations that have lent to it.

The IMF has said, and it was agreed to by all of the countries participating in the IMF, that it needed more resources to be able to be sure—although nobody can ever be sure in this economy—in order to be reasonably sure that if a fairly significant nation has very serious problems, it can step in and try to help stabilize that country's situation, so that country does not take a lot of other countries with it as it defaults on its debt. This agreement was reached in concert, not by us alone but by a whole group of nations. So rather than the United States, for example, having to step in and unilaterally take action in, say, one of our neighboring countries, as we did in the late 1990s, this allows us as a nation to join with other nations and pool, basically pool a large amount of resources, to have them available here, for the opportunity to avoid such a meltdown.

We put in about 20 percent, other nations—Japan, Germany, England, other industrialized countries—put in the balance. The IMF is calling for \$500 billion essentially. Actually, it works out to \$750 billion when you put in the special drawing rights, \$750 billion of capacity to be able to have that type of resources available to stabilize various nations around this world should they get into serious, severe trouble.

You can follow the proposal of this amendment as essentially saying, the United States does not want to be part of this effort. We are going to back out of this responsibility or this—you do not even have to claim it as a responsibility, this action, because we basically are going to retrench from here within the United States and not participate in this sort of international effort to try to stabilize other economies because we need our money. We need it here, now, and we cannot afford to do that.

That, in my opinion, is extraordinarily shortsighted. That is like cutting off your nose to spite your face because let's face it, if an East European economy goes down and it takes with

it two or three other East European countries, and that leads to even some major Western European economies going down, who is the loser? Well, those economies obviously. But I can tell you a lot of American jobs are going to be the losers.

That type of economic disruption, that type of economic Armageddon as it was described by one of my colleagues who actually supports the DeMint amendment, would come back to affect us dramatically.

So what is the price of avoiding that, or hopefully avoiding it? What is the price of at least having in place an insurance policy to try to avoid that? Well, the price is, for us to put up no money, we are not putting up any money. We are putting up what amounts to a letter of credit to the IMF that says: All right, you now have a letter of credit from the United States for \$100 billion. You have a letter of credit from a variety of other nations around the world for another \$400 billion. You have \$500 billion of letters of credit, so if you have to go into a nation, because their banking system is on the verge of failure, and because they do not have the ability to monetize their debt the way we do—in other words, they do not have a central bank that can print money because they do not have a world currency—you are going to have this type of support to try to stabilize that country so it does not become a domino affect on all of those other nations that may have lent to it, including us.

That is an insurance policy. Does it mean even if the IMF had to take that step and go into that country and invest that we would lose those dollars? No, we would not. In fact, we will not lose those dollars. We have never lost a dollar through the IMF. We have always been repaid everything.

Not only will we not lose them because the country they are lending to is a nation, and probably a fairly sophisticated nation because they do not do too many nations that are not sophisticated, we will not lose it because the IMF has a massive gold reserve that essentially backs up all of the dollars, all of the money that is there. So it is not a risky exercise.

That is why this effort does not score as \$108 billion. There is no game being played about the \$108 billion number. The simple fact is, the \$108 billion number does not score because there has never been an outlay to the IMF.

You can make an argument that even the \$5 billion—that is what CBO came up with as a number, and I think that was based on the assumption that there might be some interest costs, but even the \$5 billion is wrong. Zero is the right number. Certainly a representation that \$108 billion is what it is going to cost the American taxpayers is totally inaccurate. It is playing with facts fast and loose because we never had lost any money.

All the lending of IMF is basically securitized, either by the debt of the

nation they are lending it to or by their own gold, the gold of which they have a huge accumulation.

So this is not a cost of any significance to the American taxpayer. What it is, however, is an extraordinarily cheap way for us as a nation to lay off the burden to other nations, other industrialized nations; lay off the burden of making sure that countries which would represent a very serious problem to us and to the world community should they fail financially, a very cheap way of trying to have in place a system to avoid that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. So, from my opinion, this is an amendment which is not constructive either for our economy or for the international situation. I would hope it would be defeated.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be equally charged to both sides.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I objected to that. I was allowed 4 minutes. The other side is not showing up. I do not think that is right to take my 4 minutes. If the other side would like to yield back, I will be glad to close with my 4 minutes.

I suggest the absence of a quorum, and I reserve my 4 minutes.

The PRESIDING OFFICER. If the Senator puts us in a quorum call, the time will be charged to him, absent consent.

Mr. DEMINT. Let me simplify this. I will go ahead and speak.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I appreciate the comments that we have heard today. I want to make it clear we are not trying to minimize or change our commitment to the IMF at all. We are already committed for about \$65 billion. We are the largest contributor to the IMF, and that will continue.

What I am opposing is a massive increase in our commitment of \$108 billion at a time this country cannot afford it. We have also heard this is not really any spending, that no money will really come out of our Treasury. If that were true, we would not need to ask for it; it would not need to be in the bill. If that were true, it could be \$200 or \$300 billion, and it still would not cost us anything.

This is just political speak here in Washington. We are giving a credit line to an international agency where we do not control the vote, where they can take \$108 billion more than they already have, 108 in addition to the \$65 billion we have committed to this agency, to use in a way that they would like. I object to this because I have businesses in South Carolina that can't get a loan, a small loan from a bank that has taken Federal money. They can't continue their business because the bank says these are difficult

economic times and that is a high risk. So we are going to take \$100 billion and give it to countries that are high risk because supposedly that helps our economy. Enough is enough. We have spent more than we can pay back already. It is wrong to attach this type of spending to a bill that supports our troops. This should be taken out of the bill right now. That is what my amendment does. It strikes a section that would give an additional \$108 billion of appropriation authority to the IMF.

It also strikes a section that allows them to begin to sell off the gold reserves that we just heard are a so-called security for this loan. This makes no sense.

I urge colleagues to say enough is enough. There are many good things we can do, but we, frankly, don't have the money anymore. This is more than we spend on education every year, more than we spend on veterans benefits, more than we spend on transportation. It is real money, because it will be drawn upon, because there are countries all over the world in difficulty. We will set a precedent. Notice that in the criticism of the bill, they are not using this to criticize it, because not only does this create a permanent amount of authority to withdraw money, it gives the Secretary of the Treasury the ability to make amendments to the law. We are giving the authority of this Congress over to the Secretary of the Treasury and the International Monetary Fund. None of this makes any sense. Enough is enough. No more spending. No more borrowing. It is time to let it go.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, this makes all the sense in the world. In fact, Senator GREGG, former chairman, now ranking member of the Budget Committee, gave an excellent summary of exactly what this is. It is not an expenditure. It is a letter of credit. It stabilizes countries. It is an insurance policy. It has always been repaid. As Senator GREGG said, even the \$5 billion which the CBO scores this at is not accurate because the money is never laid out. This is not a risky exercise because we make money through the interest. This is an asset that we create that is traded against the letter of credit.

Let me answer my colleague. He asked the question about the 5 years. Paragraph 17 of the IMF Articles of the New Arrangements to Borrow has a provision for withdrawal from membership. A participating member can withdraw. At that time, the money comes back to you. You cease to have your commitment on the line. Paragraph 19 of the IMF Articles of the New Arrangements to Borrow states:

This decision shall continue in existence for five years from its effective date. When considering a renewal of this decision for the period following the five-year period referred to in this paragraph 19 . . . the Fund and the

participants shall review the functioning of this decision.

Mr. DEMINT. Will the Senator yield?

Mr. KERRY. I will yield on his time.

Mr. DEMINT. Are you reading from—

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KERRY. I am reading from the current Articles of the IMF's New Arrangements to Borrow. This is the operative agreement for the NAB, on which this lending takes place. Let me make it clear, why this is furthering our interests. The fact is, in South Carolina, they have a lot of businesses that export. From the beginning of this year exports in the U.S. were down 23 percent. They were down 23 percent because countries' economies around the world are hurting. As Secretary Kissinger, General Scowcroft, and the Chamber of Commerce all agree, this is important for American business. The fact is, between 2003 and 2008, exports grew by 8 percent per year in real terms. We have a correlation in our exports to the growth of other countries. There has been a 95-percent correlation in that growth.

The fact is, the share of all U.S. growth attributable to export growth went from 25 percent in 2003, to 50 percent in 2007, to 70 percent in 2008. We benefit. That rise of exports from 25 percent to 70 percent is to the benefit of American business. Unfortunately, those exports peaked in July of last year. Most of our partners are now in recession. Real exports are now 23 percent lower. You are looking at a reduction in American GDP, if you don't provide this line of credit.

President Obama went to London. He led the world in getting a \$500 billion agreement to help support these countries to revive their economies. When you consider the money we have spent in the Cold War to break the Eastern Bloc away from the Soviet Union and, ultimately, they have adopted our economic system, they are working as partners now, many of them members of NATO. Their economies are hurting. We benefit if those States don't go into an economic implosion.

This is a national security issue for the United States. It is a plain and simple, self-interest economic issue for the United States. Most importantly, we don't spend money. This is a deposit fund in an account which is interest bearing to the United States. It is a good investment. Historically, we have not lost money. I know Senator LUGAR will vote against this amendment. Senator GREGG and others. I hope colleagues will resoundingly reject this ill-advised amendment.

Mr. DEMINT. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 39 seconds.

Mr. DEMINT. I wish to make sure the Senator understands that the bill we vote on today amends what he just read about our ability to get out of this in 5 years. Sometimes it is hard to get the straight scoop here.

It is real money or we wouldn't be asking for it. This is not a time in our country's history that we can afford to put another \$108 billion on the line, when we can't get our own businesses enough money. We have to stop this reckless spending. I encourage colleagues to support my amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 1138.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "yea."

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 64, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—30

Barrasso	DeMint	Kyl
Bayh	Ensign	McCain
Bennett	Emzi	McConnell
Brownback	Feingold	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sanders
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter

NAYS—64

Akaka	Gillibrand	Murkowski
Alexander	Gregg	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Bond	Kaufman	Schumer
Boxer	Kerry	Shaheen
Brown	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Corker	Martinez	Whitehouse
Dodd	McCaskill	Wicker
Dorgan	Menendez	Wyden
Durbin	Merkley	
Feinstein	Mikulski	

NOT VOTING—5

Byrd	Kennedy	Rockefeller
Hatch	Murray	

The amendment (No. 1138) was rejected.

Mr. KERRY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add the following cosponsors to amendment No. 1189: Senator LANDRIEU, Senator SHAHEEN, Senator CRAPO, Senator RISCH, Senator BILL NELSON, and Senator SNOWE.

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

Mrs. HUTCHISON. Mr. President, I would point out that there are now 26 cosponsors of the amendment that would have tried to give the Chrysler car dealers extra time to get their affairs in order rather than a June 9 deadline. It would just give them 3 more weeks. I am still hoping the White House and the Chrysler company will come forward with something that will give some help to these dealers. I think the Senate is beginning to speak by the number of cosponsorships for this amendment.

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.

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

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

Mr. BAYH. Mr. President, I ask unanimous consent that the next hour be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senator INOUYE as a cosponsor of amendment No. 1189.

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

Mrs. HUTCHISON. Mr. President, we are still working on language that I very much hope we can get agreement on before the end of the day. I think everyone is working in good faith. That is my hope, and I will remain optimistic that we can have something definitive for the dealers in this country who are facing bankruptcy or dissolution in 2 weeks.

As of now, 28 Senators have signed on to agree that we need to be helpful to

them. I think we have a way forward, but we have to get everyone signed off on it. I hope all of the parties will do that, so there can be a definitive announcement, because these dealers need to be able to plan going forward. They need to know what the rules of the game are. I think it is the least we can do for them.

Mr. President, I yield the floor and 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. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1189

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to add Senators FEINGOLD and HARKIN to amendment No. 1189.

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

Mrs. HUTCHISON. That takes us up to 29 cosponsors of this amendment. We are almost up to a third of the Senate saying we need to help these Chrysler dealers. I just hope we can produce something for these dealers by the end of business today that will help them begin to get their affairs in order after the blow they received on May 14.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I asked the managers of the bill if I could have some time to discuss this bill for a moment. I offer a lot of amendments around here and, quite frankly, there are several amendments I should have offered, or should call up, but I am not going to call up because, quite frankly, I am not prepared to do it.

I wanted to talk about this bill because it has been described in a lot of ways as funding for our troops, as things that we have to do. I want to put a few holes in that for a minute.

There is funding for our troops in this bill, there is no question. We need to do that. One of the promises of the President—and I hope it comes about this next year—is we will never see another one of these to fight the wars. It will be incorporated, as it should have been in the past.

I am on record of voting against three of these requests from the Bush administration for the fact that it should be incorporated into the regular budget. We know we have these expenses. When we do a supplemental or an emergency—that is what we are calling this—there is something that happens most people do not realize. Mr.

President, 100 percent of this bill will be borrowed by the Treasury when we start spending the money. This is not money we have. It is money we are going to borrow from the next two generations because the Congress refuses to make priorities of what we need to do, and we continue to spend money on things that we should not be or do not have to do, which are not a priority, and the money we are going to spend is borrowed money.

We have not heard much of that in the entire debate on this bill. Every dollar will be stolen from the future of the next two generations to come, and most of the people who are hearing my voice today will not pay the cost of this significantly large bill.

It was not all that long ago that the entire Federal budget wasn't the size of this, less than 45 years ago. Yet we are going to pass, in very short order, with very few amendments, a bill that does a lot of things besides fund our troops.

Of course, there is another thing most Americans don't know. It is that all the things that are in this bill that go to other executive branch agencies will be utilized to raise the baseline next year for the starting point of the budget process. In other words, we are raising the baseline. So when we look at it, when it comes through the budget next year, and the appropriations cycle, it will not be what we actually appropriated under the budget. It will be under the budget plus what we spent on the supplemental. We do not go back to where we should be. We go back to an elevated area because we had an emergency spending bill.

There is money in here for the United Nations Development Program, Peacekeeping Operations, \$721 million. Here is a fact that most Americans don't know. Forty percent of every dollar spent by the United Nations on peacekeeping operations is absolutely defrauded or wasted. So in this case, \$300 million of the \$720 million that we are going to appropriate, some shyster connected with the United Nations, either in New York or in some foreign country, is going to steal that money. It is not going to go to help anybody keep the peace. It is not going to go to clothe and feed someone. It is not going to go to protect the rights of those who are discriminated against, those who are living not under the rule of law; that, in fact, \$300 million out of the \$720 million isn't going to do anything except line the pockets of crooks.

Yet we have that report, which we had to get from the U.N. because we don't have transparency on where our money is going. That is the U.N.'s own report. Yet there is nothing in this bill that requires them to give us an audit of how they are spending it. There is no metrics on how it is going to be spent, and there is nothing in this bill that says they are going to have to tell us and show us that they didn't let it get defrauded or get stolen. We are not paying attention. We are running like there isn't an economic crisis.

There is another area in this bill that is extremely disturbing to me, which is that we are going to give a \$1.3 billion pay raise to all the Foreign Service officers in this country.

They hire 500 to 600 new ones each year. They have 25,000 applications for these jobs without this pay raise. This is called a locality pay differential, and it started because it is so expensive to live in Washington that we give a 21-percent increase to all Foreign Service officers who get stationed in the United States, but we are now going to give it to them no matter where they live.

So what we are talking about is a \$15,000-a-year pay raise on the basis of nothing, to people who, on average, make more than \$75,000 a year. Ask yourself a question: When we send a colonel to South Korea, do we give him a locality pay increase? No. When we send a sergeant to take care of the troops who are stationed around the world, do we give him a pay increase or her a pay increase? No. And they just happen to make a third of what our Foreign Service officers make. Yet with one broad stroke we are going to add \$1.5 billion over the next 4 years, and then at least \$400 million a year to everyone who works for the State Department.

Why are we doing that? Why are we saying Foreign Service officers are more important than our men and women in uniform? Why are we creating a differential when, in fact, there is no hardship, and we are having no trouble getting employees. By the first data I put out there, we are not. There are no statistics to suggest they have a greater loss than they are capable to reproduce. Yet in this bill, \$400 million a year, just as a gift—just as a gift.

Think how demoralizing that is to the men and women who wear the uniform of the United States. We have decided that technocrats are more important than the people on the front lines. We have decided that, not based on merit, not based on performance, we are just going to give them a raise.

I don't have any objections due to the cost of living in DC that we might have a differential pay for that. But why would we say no matter where you live—if you live in Muskogee, OK, where I am from—and you happen to work for the State Department; that because you work for the State Department and not because you produce more or do a better job, you are going to get a 21-percent pay increase that is never going to get rescinded.

What are we doing? And why are we doing it?

Also in here is \$.5 billion for the start of—and they have a legitimate claim, the State of Mississippi—a hurricane prevention program. We asked the Corps to do a study. We are putting money in. It is unauthorized money. It has never been through the committee, and I am not saying that we may or may not want to do this. But the Corps hasn't even finalized their evaluation

of the study on whether it is viable. Yet this is the first \$.5 billion in a \$2 billion to \$7 billion project that I am not sure right now, without authorization of the appropriate committee, we are going to jump in line ahead of every other priority program that the Corps of Engineers has just because we can do it. And the Corps hasn't even accepted the premise of the study on which the money is going to be spent.

America, wake up to what we are doing. This ship has a lot of holes in it, and we are taking on water faster than those with common sense can bail it out. These are just three prime examples of things in this bill that ought not be handled the way they are handled in the bill.

The No. 1 thing we are not doing is we are not being honest with ourselves about where this money is coming from and how much more it is going to cost the people in this country who are struggling every day just to pay their mortgage, just to put groceries on the table, and to pay their utility bills.

We are going to give \$108 billion to the IMF. We had an amendment that got defeated. The fact is—and pay attention to this—it may not help. The assumption is we will get paid back because they have never not paid us back in the past. Well, this is a different day, and there is a high likelihood that, even though we only charge \$5 billion for the cost of this \$108 billion loan, we will never see a penny of it come back—a very high likelihood—especially if you look at the total debt and money assets of all the European countries compared to their GDP ratio.

We wring our hands and say: Well, we have to do this. We have to do this. What we have to do is preserve America first. What we have to do is defend America first. What we have to do is restore confidence in America. The way we are doing it with this bill does just the opposite.

I am sorry I haven't had time to go after the issues in this bill. There are tons of things we ought to be doing differently, and if we are not going to do them differently, we ought to hold the Members accountable on a vote to say why we are not doing them differently. Borrowing this money against our children's future and not making hard choices on some of the \$350 billion worth of fraud and waste that we know the Federal Government has, not even looking at it, not making an attempt to pay for any of it, to me, is a tragedy.

It is not just a tragedy of the moment because what it clearly spells out is that there has been no change. There is no change in behavior. There is no recognition of the difficulty we are in. There is no set of priorities that says we do what is most important for the country first, and if it is not really that important, we don't do it at all now so that we can protect the way of life we have come to know. I am disappointed in us because we have failed to grasp the seriousness of where we are today in this country. And where

we are is not far from losing the essence of what America stands for.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). Will the Senator withhold his request?

Mr. COBURN. I will. I withdraw my request.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I rise to speak about the supplemental that is before the Senate in terms of the appropriations. Much of this bill is about supporting the men and women wearing the uniform of the United States who are serving this country around the world and acting as sentinels for America's freedom around the world.

The question is, Will we appropriate the resources necessary to match the challenge we have given them and the call to service we have asked of them? That is what this appropriations supplemental bill is largely all about.

In that context, there is one particular area of funding that doesn't go to where we have troops but where we, in fact, care about what is happening in part of the world, and that is Pakistan. We care about it because it is along the Afghanistan-Pakistan border; the area where, in fact, Osama bin Laden likely exists; the area al-Qaida is operating in, crossing back and forth along that border in order to attack our troops in Afghanistan; and also because of the Taliban. So we have clear national security interests as it relates to that part of the world.

We all agree the situation in Pakistan is probably at the top of the list of our most serious national security challenges because this is where al-Qaida has reconstituted itself, and this was the entity, along with bin Laden, that struck us on that fateful day of September 11.

Late last month, the Secretary of State warned us that Pakistan's government is facing an "existential threat" from Islamist militants who have established operations dangerously close to the capital city of Islamabad. These are militants who wish to do us harm, plot new terrorist attacks or, God forbid, seize control of that country's nuclear arsenal. There are plenty of reasons for the United States to be engaged. Since 2001, Pakistan has received more than \$12 billion in assistance from the U.S. Government. The idea behind the assistance has been to support democratic institutions, human rights, economic development, along with counterterrorism operations to fight the Taliban and al-Qaida and create the conditions for stability in the country.

Unfortunately, under the lax oversight of the Bush administration, that assistance had very few strings attached to it, and under that administration it is hard to see what kind of results we actually achieved for the money we spent. Democracy and institutions of civil society are as fragile as

ever, the Taliban is expanding its reach, and we have heard reports about the Pakistani Government expanding its nuclear arsenal. So \$12 billion later, the way we sent assistance may or may not have worked for Pakistan, but it certainly didn't work for us.

So, Madam President, we have to constantly ask ourselves: How are we using our money in pursuit of our national interests and our national security interest, and what type of benchmarks and progress are we making so that we can, in fact, respond both as fiduciaries to the taxpayers of the country and, at the same time, in measuring benchmarks toward our national security goals?

It is our responsibility to see that there is transparency and accountability in whatever assistance we are providing, and as the administration makes the case to reverse what it acknowledges are “rapidly deteriorating security and economic conditions” there, we have to make sure the funding we are sending over is actually doing its part to make the situation better.

We have to ask those questions about the Pakistan funding in this current supplemental bill as well. For starters, in this supplemental, I think when we look at it, it is pretty significant. There is over \$1.6 billion in the supplemental for Pakistan, including \$400 million for the Pakistan Counterinsurgency Capability Fund, \$439 million in economic support funds, and \$700 million in coalition support funds.

I am concerned about the funding, but I want to specifically talk about the \$700 million in coalition support funds. Those funds are used to reimburse the Pakistani Government for the logistical and military expenses of fighting Islamist militants.

As the Pakistani military increases these activities—and we have seen those military activities finally take place in a way that we think is moving in the right direction—those coalition support funds are expected to increase substantially as well. So if we are going to have a shot at the militants, we are going to need to provide support. And we are agreed on that, I think. But that does not mean we should be sending out blank checks.

Along with my distinguished colleague from Iowa, Senator HARKIN, and several colleagues in the House, we suggested the Government Accountability Office look into the assistance we provided to Pakistan, including the \$6.9 billion in coalition support funds it received. In a June 2008 report, the GAO found that the Pentagon did not consistently verify Pakistani claims for reimbursement, and additional oversight controls were needed.

Here is an example from that report. The United States was reimbursing the Pakistani Government \$19,000 per month for each of about 20 passenger vehicles, about \$9 million in total, even though we later found out that we were paying for the same 20 vehicles over and over.

A February 2009 report that we also asked for echoed and confirmed those findings and said that the Pentagon needed to improve oversight of coalition support funds reimbursements.

Earlier today at a Foreign Relations hearing I asked Admiral Mullen, and he acknowledged we have not had good controls in the past on coalition support funds, but he assured the committee the controls have improved and additional steps are being taken to make sure the funds are being used wisely.

The Deputy Secretary of Defense outlined these steps in a letter to Chairman KERRY last month, including new guidelines, additional face-to-face meetings with Pakistani counterparts, and additional visits by the Department of Defense to Pakistan to refine the coalition support fund claim processing and validate procedures.

Personally, I have met with Ambassador Holbrooke, our special envoy to this region, as well as questioned Secretary Clinton yesterday before the Foreign Relations Committee, and they both assured me this administration is developing metrics to measure success and change the way we engage in Pakistan so we can defeat the militants and bring stability to the country and the region. I am pleased to see these steps being taken and I look forward to closely monitoring them as we move forward.

Let me conclude by saying we all realize that conditions on the ground make detailed reporting and accountability a major challenge. We cannot expect to be getting daily comprehensive spreadsheets e-mailed from every remote mountain region. But as best as we can, it is the responsibility of this Congress to ensure that all of our funds are being used in a manner that is advancing our national interests and our national security interests.

With these changes that have taken place, I think—partly because we have asked for these reports, partly because of the questioning at these hearings, partly because of the new leadership of the administration—I plan to vote for the supplemental. In doing so, however, I want to send a very clear message that it is not and should not be construed as a blank check. I have concerns with the coalition support fund program and concern about Pakistan's nuclear program. Money is fungible, and I am concerned as we send money to Pakistan for one purpose that frees up their money to be buying nuclear weapons, something that is not in our interest or in the interest of that part of the world. I am glad the Obama administration is taking steps to ensure accountability and in the future we need to do even more. We need to be sure we do not wind up right back here a year from now, having to say the same things. We cannot afford to yet again take one step forward and two steps back, and above all we cannot afford to be sending such resources without achieving the national goals of se-

curity and the interests we have. That is the best way to make sure we do not lose sight of our goal here and that is also the best way we keep America safe.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CHRISTENING OF THE USS “GRAVELY”

Mr. BURRIS. Madam President, as we prepare to return home to our constituents and to celebrate the Memorial Day weekend, remembering all those who have served and sacrificed in the name of the United States, I would like to single out one veteran in particular.

It is with deep and abiding pride that I rise to salute the late VADM Samuel Gravely, and to mark the christening of a new and remarkable U.S. Navy destroyer, the USS *Gravely*.

At a ceremony last weekend, the *Gravely* became the first Navy ship in U.S. history to bear the name of an African American officer.

When she receives her commission, the vessel will be the most technologically advanced warship on the planet.

It is a fitting honor for the destroyer's namesake, the late VADM Samuel L. Gravely, Jr., who was the first African American to become a Navy officer.

Beginning his career as a seaman apprentice in 1942, amid the chaos of the Second World War, Admiral Gravely first knew a segregated U.S. Navy in which people of color served mainly as cooks and waiters.

Only one ship had a black crew.

That vessel was the USS *Mason*, whose 160 men served under the command of white officers. In 1944, the brave crew of the *Mason* escorted support ships to England during a vicious storm.

They completed this daring mission with valor, even when cracks in the hull threatened to tear their ship apart.

Because of the racial politics of the age, and despite the recommendation of their commander, it took more than 50 years for these brave sailors to receive official commendation.

It was in this climate that Samuel Gravely began his naval career. He retired from a very different U.S. military 38 years later.

Admiral Gravely's years of service included many notable firsts.

He was the first African American to command a combatant ship, the first to command a major warship, the first to achieve flag rank, and the first to command a numbered fleet.

These are remarkable accomplishments by any account, but they are

made all the more impressive when they are considered in the context of the U.S. Navy at the time.

This exemplary sailor achieved greatness in a time when the policies of our Armed Forces too often limited the opportunities available to people of color.

He understood the obstacles he was facing, but he was determined not to bow to the limits imposed by others. He did not let those difficulties stand in his way.

Instead, he turned each challenge into an opportunity to excel.

We should all learn from the example set by this great American hero, who started as an enlisted sailor and overcame extraordinary odds to finish his career as a three-star admiral.

His accomplishments should resonate with all Americans.

Admiral Gravely proved that respect will come to those who work hard to earn it.

His legacy serves as an example for countless young men and women serving bravely in the Armed Forces. Soon, the destroyer USS *Gravely* will stand guard on the high seas, a striking symbol to the world of the remarkable and enduring truth of the American dream.

Generations of sailors will serve on her decks, and as they stand aboard the *Gravely*, they also stand on the shoulders of the man for whom it was named.

Thankfully, the divided society of years past has given way to a new America built on equality, a Nation more free, more fair and more equal, a Nation that cherishes the contributions of all men and women regardless of race, creed or color.

A Nation built through the hard work and bravery of real life trailblazers like Admiral Gravely.

I am extremely proud of Admiral Gravely's achievements, and I am deeply moved by the Navy's tribute to his service.

Like many, I share in the joy that Mrs. Gravely must have felt as this state-of-the-art destroyer was christened with her husband's name.

When this warship is commissioned, it will be more than a fighting tribute to its accomplished namesake.

It will ensure that the outstanding legacy of Samuel L. Gravely, Jr., lives on in the service of the U.S. Navy for years to come.

I can think of no better way to memorialize a true American hero.

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 bill clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Madam President, I wish to speak for a few moments regarding the President's remarks on na-

tional security today and about some national security issues in general.

At the outset, let me note that there are some points in the President's message I do not agree with and some points of plain fact he made that should help us clarify some of the issues that have been raised in recent debates over national security. President Obama endorsed the continued use of military commissions with some minor changes. These commissions are historic and certainly appropriate and have been used by nations all over the world. I will reserve judgment on those changes until I see the details, but the President is right when he states that military commissions are "an appropriate venue for trying detainees for violations of the laws of war," though some have not agreed with that.

The President correctly noted: "Military commissions have a history in the United States dating back to George Washington and the Revolutionary War."

As the President also noted, military commissions "allow for the protection of sensitive sources and methods of intelligence gathering." That is absolutely true, and it is an important principle in defending America. He also noted that the commissions allow "the presentation of evidence gathered from the battlefield that cannot be effectively presented in a Federal court."

In other words, we have strict rules of evidence in Federal courts. Our soldiers are in a life-and-death struggle on the battlefield. They are not police investigators. They are not homicide investigators. They can not be expected to be able to comply with every rule regarding the collection of evidence. Military commissions account for that difference.

It is also reassuring to see that President Obama has stated he will exercise his power as Commander in Chief to detain as war prisoners those al-Qaeda members who continue to pose a danger to the United States, but who cannot be tried by a military commission. Some detainees may not be able to be tried by military commissions for legal reasons. For years, we have heard criticism from some of the fringe groups on the left—criticisms that have been echoed occasionally in this Chamber—that we must either try every enemy war prisoner or release them. That has never been the practice in the history of war, and that is not what our law says. This is a notion that cannot be sustained and one that would pose a threat to us if it were ever adopted as policy.

I am glad to see President Obama rejected that notion. As he noted in his remarks today:

There may be a number of people who cannot be prosecuted for past crimes, but who nonetheless pose a danger to the security of the United States. Examples of that threat include people who have received extensive explosives training at al-Qaeda training camps, commanded Taliban troops in battle, expressed their allegiance to Osama bin Laden, or otherwise made it clear they want

to kill Americans. These are people who, in effect, remain at war with the United States.

As I said, I am not going to release individuals who endanger the American people. Al-Qaeda terrorists and their affiliates are at war with the United States and those we capture—like other prisoners of war—must be prevented from attacking us again.

That is fundamentally true, but some people have a confused notion about that.

Under the Geneva Conventions, even lawful combatants can be detained throughout the duration of a war. When illegal combatants conduct a war outside the laws of the Geneva Conventions and other treaties and laws that deal with the conduct of civilized warfare by deliberately and intentionally bombing innocent men, women and children who are noncombatants, those people are not entitled to be released.

President Obama also stated this morning that:

We are not going to release anyone if it would endanger our national security, nor will we release detainees within the United States who endanger the American people.

Well, that is hard to know for certain. Attorney General Holder has talked about releasing the Uighurs, a terrorist group focused primarily on China. I don't believe the administration has the legal authority to release these detainees. Recently, according to the Los Angeles Times, some of the Uighurs were watching a soccer game—they allow them to watch television at the Guantanamo Bay facility—and a lady came on with short sleeves. This offended one of the Islamic Uighurs and they jumped up and grabbed the television and threw it on the floor. I point that out simply to say it is difficult to know for certain who is a threat. Many may well harbor a secret determination to attack America as soon as they are released.

I think the President has made clear that he does not have the full and free discretion to simply release al-Qaeda members and their fellow travelers into the United States. Federal law expressly bars admission to the United States of anyone who is a member of a foreign terrorist organization. A Federal law we passed some years ago bars admission of any person who is a member of a foreign terrorist organization—pretty common sense, right? If you are going to have lawful immigration policy, you don't want terrorists to be able to immigrating into the country. The law bars admission of anyone who has provided material support to a foreign terrorist organization, and it also bars from this country anyone who has received military-style training at a camp operated by one of these terrorist organizations. The United States Congress decided that these individuals, ones who have ties to or have assisted or who have been trained by groups such as al-Qaeda pose a danger to the American people and should not be admitted into this country. That congressional enactment is now the law. It is binding upon the President and the Attorney General, who is charged by the Constitution with enforcing the law.

So when the President states he will not release detainees within the United States, I can only state that I would expect no less. The law requires the President to bar admission to al-Qaida members or material supporters or those who trained in a terrorist camp, and I think he will follow that.

I note his speech also is rather selective, however, in how it cites to: "The court order to release 17 Uighur detainees that took place last fall."

The President referred to a court order to release these Uighurs, but he inexplicably failed to acknowledge what happened to that case on appeal. A lower district court judge ordered that they must be released, but the Federal appellate court reversed that order which would have allowed these terrorist to be released into the United States. This February, a couple of months ago in *Kiyemba v. Obama*, the United States Court of Appeals for the District of Columbia held that the district court did not have legal authority to order the release of the Uighur detainees into this country. These are individuals who have trained in a terrorist camp, a terrorist group that is connected to al-Qaida. A month ago, the U.S. Department of Treasury reaffirmed the determination that they are a terrorist organization. The appeals court could not have been more clear when it wrote:

Never in the history of habeas corpus has any court thought it had the power to order an alien held overseas brought into the sovereign territory of a Nation and then released into the general population. As we have also said, in the United States, who can come in and on what terms is the exclusive province of the executive branches.

There are other things the President said today that I disagree with. First, President Obama committed himself to banning the enhanced interrogation of al-Qaida detainees. I certainly oppose torture of any detainees. But he went on to state: "Some have argued" that these techniques "were necessary to keep us safe," and he said he "could not disagree more."

Well, that is not exactly accurate, I have to tell my colleagues.

On September 6, 2006, when President Bush announced the transfer of 14 high-value al-Qaida detainees to Guantanamo, he also described information that the United States had obtained from these detainees as a result of these enhanced interrogation programs. Most people agree many of these enhanced techniques clearly are not torture. Some argue that a few of the techniques may amount to torture; but many say they are not torture. We have a statute that prohibits torture and it defines it pretty clearly.

President Bush noted then that Abu Zubaydah was captured by U.S. forces several months after the September 11 attack. Several months later he was captured. Under interrogation he revealed that Khalid Shaikh Mohammed was a principal organizer of the September 11 attacks. Zubaydah also de-

scribed a terrorist attack that al-Qaida operatives were planning to launch inside this country—an attack of which the United States had no previous knowledge. Zubaydah described the operatives involved in this attack and where they were located. This information allowed the United States to capture these terrorists, one while he was traveling in the United States. Under enhanced interrogation, Zubaydah also revealed the identity of another September 11 plotter, Ramzi bin al Shibh, and provided information that led to his capture. U.S. forces then interrogated him. Information that both he and Zubaydah provided helped lead to the capture of Khalid Shaikh Mohammed, the person who orchestrated the 9/11 attacks.

Khalid Shaikh Mohammed also provided information to help stop another planned attack on the United States when he was interrogated. KMS provided information that led to the capture of a terrorist named Zubair, and KMS's interrogation also led to the identification and capture of an entire 17-member Jemaah Islamiyah terrorist cell in Southeast Asia.

According to President Bush, information obtained as a result of enhanced interrogation techniques also helped stop a planned truck bomb attack on U.S. troops in Djibouti. Interrogation also helped stop a planned car bomb attack on the U.S. Embassy in Pakistan, and it helped stop a plot to hijack passenger planes and crash them into Heathrow Airport in London. On September 6, President Bush said:

Information from terrorists in CIA custody has played a role in the capture or questioning of nearly every single al-Qaida member or associate detained by the United States and its allies.

He concluded by noting that al-Qaida members subjected to interrogation by U.S. forces have painted a picture of al-Qaida's structure and financing, communications and logistics. They identified al-Qaida's travel routes and safe havens and explained how al-Qaida's senior leadership communicates with its operatives in places such as Iraq. They provided information that has allowed us to make sense of documents and computer records that have been seized in terrorist raids. They have identified voices in recordings of intercepted calls and helped us understand the meaning of potentially critical terrorist communications. Were it not for the information obtained, our intelligence community believes that al-Qaida and its allies would have succeeded in launching another attack against the American homeland. By giving us information about terrorist plans we would not get anywhere else, this program has saved innocent lives.

Well, this was information obtained in the last administration as a result of the enhanced interrogation techniques of al-Qaida detainees. It allowed us to stop terrorist attacks. It allowed us to learn about al-Qaida communications, how it responded and operated. It even

allowed us to capture Khalid Shaikh Mohammed, the organizer of 9/11. I don't think anybody here can reliably contend that this information was not valuable. It was valuable.

We have to be careful how we conduct interrogations. I believe the debate over this has helped us clarify the responsibility we have to not participate in torture. But it does not mean that we cannot use enhanced techniques to move a person to the point they are providing information that can help protect this country. We have to be careful that we don't go too far. We have a history of going too far in reaction to matters like this.

One of the things we did is we put a wall between the CIA and the FBI. We said the CIA should not deal with dangerous thugs around the world to get information. After 9/11 it was clearly determined that both of those were bad ideas, and we reversed them immediately.

Nobody in this Congress should suggest that we are incapable of making a mistake. But we have gone 8 years without an attack. That is something of significance. We should be proud of that. We have men and women in the CIA, in the FBI, and in the U.S. military, who are putting their lives on the line right now. I remember being, several years ago, in a foreign country with a history of some violence and terrorism. A man from the CIA met with us. He worked 7 days a week. He had dinner with us at 8 o'clock. He said that was the earliest he had been off duty since he had been there.

They are putting their lives at risk for us, and we need to back them up when we can. If they make a mistake, they need to be held to account for it.

Madam President, I see my colleague from Texas. I assume she would like to make some remarks. I am not sure what the expectation is, but I will just wrap up and say a few more things. This is an important issue. I just don't believe this issue has only one side. I have to tell you, I believed that the President's remarks today reflected a view that only he had the correct view of how these matters should be conducted, and that everybody else who disagreed had less decency than he. I don't think there is any doubt that the work this Nation did after 9/11 stopped further attacks and saved the lives of Americans. It can and should be done, consistent with the laws of this country. But that doesn't mean that unlawful terrorists—not legitimate prisoners of war—cannot be subjected to interrogation. They can be and they have been. I trust that they will be in the future.

The President argued today that releasing the Office of Legal Counsel memos from the Department of Justice and exposing the details of the interrogation and actually tricks that CIA has used will not harm national security because this President has decided not to use those techniques. I simply point out that the war with al-Qaida will not

end with this administration, and future administrations—and even this administration—may need to have access to reasonable interrogation techniques, and providing this information is not the right thing.

It is odd that of all the material released, we have not had further information released from the intelligence agencies that would provide evidence of interrogations that have enabled us to stop other attacks on our country. I don't know why they would not want to release that; they want to release the techniques and a lot of other things.

When the President released the legal counsel's interrogation memos, he excised certain information from the memos and left out other memos entirely. These other memos describe in detail the information that was obtained as a result of the enhanced interrogation of al-Qaida detainees.

If the President really believes these interrogations don't work, I urge him to release these other memos, the ones Vice President Cheney called on to be released. If he believes in full transparency, why don't we see that? We know some of it because it was in President Bush's September 2006 remarks.

Madam President, to sum up, we are in a great national effort. We are now sending 17,000 more troops to Afghanistan. I think President Obama studied that carefully. I know he, like myself and most of us, doesn't look forward to having to send more troops there. He decided it was important for America and our allies and stability in the region and the world that they be sent there. This Congress supported that. So we continue the struggle. It is going to be a long time.

Intelligence is a critical component of our success against the war against the terrorists. That is what the 9/11 Commission told us. That is what the American people understood with clarity. Good intelligence prevents attacks and saves lives. Good intelligence is so valuable, it is almost invaluable. We have to be careful when we set about passing more and more rules that chill the willingness of our investigators and military people to do their job. As we have found from previous spasms, harm to our intelligence community can be the result of irrational, reactionary decisions. We didn't wisely consider this when we put a wall between the FBI and we limited the CIA in these dangerous areas of the world in getting information. I share a deep concern about that.

There is one more thing I will conclude with. The President talked repeatedly in his speech, in a most disparaging manner, about Guantanamo. I think inadvertently, and I am sure unintentionally, I believe he has cast a shadow over the fabulous men and women who serve us there, who participate in running a very fine facility. I would have appreciated it if he had taken the opportunity to clear the air

about Guantanamo, our military prison.

Do you know that not one single person was subjected to waterboarding at Guantanamo? Actually, there were only three instances of it, all done by our intelligence agency in a different place. None of that occurred there. I wish he had said that. I wish he had quoted from one of the investigative reports of what happened at Guantanamo.

This is what the finder found: They found one incident in which a series of techniques were used during interrogation, not one of which would have amounted to torturing that person, but all together they concluded it put too much stress on that individual and that it violated the law against torture. Well, that should not have been done.

But to hear the talk about Guantanamo, you would think we are waterboarding people and torturing people constantly. That is just not what happened there. I have been there twice. These are great men and women down there trying to serve our country. They are absolutely committed to trying to extract as much good information as they could to protect America. They are not abusing detainees nor are they violating the law. If they cross that line, they should be disciplined for it. But it is not the kind of thing that is or was systematically occurring.

I wish the President had taken the opportunity—as Commander in Chief of our men and women who sends them into harm's way—to defend and explain that a lot of the allegations about Guantanamo were exaggerated and false.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I ask unanimous consent to add more cosponsors to amendment No. 1189. They are Senators COLLINS, SPECTER, KOHL, DORGAN, WEBB, WICKER, and CORNYN.

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

Mrs. HUTCHISON. Madam President, we are up to 35 Members, over one-third of the Senate, who are saying we need to help the Chrysler dealers who got the blow on May 14 saying they had 3 weeks to basically shut down an entire dealership.

I have been talking to so many of my colleagues on the floor since I offered this amendment who have had stories of friends and people they know, people who sometimes own the largest employer in a city or a county, and the hardship these people are facing. They are facing the likelihood—unless we can get some closure—that they are going to lose, perhaps, their dealerships, and many are going into bankruptcy. They all have big real estate investments, we know that. A car dealership has large amounts of real estate. Usually, it is very expensive real estate. They still owe money, and they are in dire straits right now.

What the negotiation is right now is this: I talked to the president of Chrysler this morning at 8:30. I have talked to the people at the White House who are the task force, the people overseeing the Chrysler and General Motors project, and to Senator STABENOW from Michigan, who has been so helpful in trying to put this together and work with me in a bipartisan way because while she has a Chrysler manufacturing plant, she also has dealers in Michigan, as does Senator LEVIN. So the 35 cosponsors of the amendment are completely bipartisan because we all have these stories, and we know these dealers are not getting a fair chance.

I talked to the President of Chrysler, and he said there would be a letter forthcoming where he would lay out how Chrysler is going to help take the inventory off the books of these dealers that are being shut down—789 across the country. We are talking about 40,000 people working in these dealerships.

We are talking about a lot of lives that are being affected. He said they would put out a letter today—he didn't say close of business, but we agree we both want something out today—that would give these dealers a definitive plan so they would know what they could count on. Not having to worry about inventory was No. 1 on the list. These dealers buy these cars and trucks. They buy them. It is their expense. They buy the parts. They buy the equipment that is unique for the repair of these cars. So they have the risk. Yet they could be stuck with 30 cars or 100 cars. This is sinking them.

I said: I hope you are going to give us something definitive. He said and I believe he is trying to do just that without in any way delaying or disrupting the exit out of bankruptcy, which is in everyone's interest because the taxpayers are paying for the exit out of bankruptcy, and the quicker the better, that is for sure. But these dealers are about to go bankrupt too. We are talking about 40,000 employees of these dealers. I think it is important that we look at them as effective people.

It is now a quarter of six. I just talked again with the president of Chrysler. He says we will have a letter within minutes. Actually, it was 15 minutes ago that I talked with him. He said it would be just a few minutes and they would get something to me.

I am going to tell you right now, Madam President, and I am going to tell all of my colleagues, we are not passing this bill. We are not going to shorten the time. We are not going to have a unanimous consent agreement until I have a letter that will assure these dealers of what they can expect from Chrysler that will, hopefully, give them the clarity they need to be able to say: OK, I don't have to worry about cars and trucks and parts and specialized equipment. I can now worry about making the payments on my real estate. I can worry about my employees

whom we are having to let go and worry about the effect on the community. I can worry about all those things, but the big things that can be handled by Chrysler and the task force will be handled. That is what I am looking for.

I am putting everyone on notice that this bill is not going to have any shortened time period under a UC until I can see that letter. Senator STABENOW stands with me to try to make sure we are doing something that will be adequate.

I will say, Senator ROCKEFELLER, too, is very concerned. He and Senator BYRD sent a letter to the CEO of Chrysler and General Motors to object strongly to the handling, the treatment of the dealers. Senator ROCKEFELLER as the chairman and I as the ranking member of the Commerce Committee are now talking about having a hearing with those CEOs and representatives of the dealership group as soon as we get back. That will be the week after next.

I am waiting, hoping, with all of the good-faith efforts that have been made today by the White House, by the president of Chrysler and his team, and all of the Senators who have signed on as cosponsors of this amendment.

I ask unanimous consent that Senator LINCOLN be added as a cosponsor of this amendment.

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

Mrs. HUTCHISON. Madam President, I think the Senator from Arkansas, who is working very hard on trying to get an amendment into this bill as well. She is in the Chamber. I appreciate her also coming in and saying: We are a bipartisan team, and we want results for these dealers who have been so badly treated up to this point. I am hoping that will change in the next few minutes and we will see a light at the end of the tunnel for these dealers.

Madam President, I yield the floor and 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. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. HUTCHISON. Madam President, I state for the record that the Commerce Committee hearing on the auto dealerships has been set for June 2 at 2:30 p.m. This is a very important hearing where we are going to have representation from the automobile manufacturers, as well as the automobile dealers. I hope that will shed some light on what we can do to help these dealers.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, we have an emergency situation all over, in about 20 or 25 States, that I explained to the Senate yesterday, involving imported Chinese drywall which, when exposed to heat and humidity, is emitting gases that are making people sick in their homes, that is in fact corroding all of the metal, that is going after the copper tubing in the plumbing and the air conditioners—so much so that they are having to replace the air conditioners—in some homes, over the course of the last 3 or 4 years, having to replace the air conditioner three times.

We had, in front of Senator INOUYE's former committee, the Commerce Committee, of which he obviously is still a member but he is now the chairman of the Appropriations Committee—we had in front of the committee a panel of the people from the various agencies, and the representatives from the Consumer Product Safety Commission as well as the EPA wanted to do the next test. They did the first test and they compared Chinese drywall to American drywall and they found out that what was different is that the Chinese drywall had sulfur, it had strontium, and it had elements found in acrylic paint. But they drew no conclusions, so they want to do the next test.

The next test would be under controlled conditions, to put it in a situation where they simulate heat of the United States summer, and humidity, and then see the gases that are emitted from it and determine to what degree, then, are they harmful to people who are having all these effects of respiratory problems, they can't breathe—it is exacerbating their allergies, it is exacerbating things such as asthma—and in some cases their pediatricians have said to the mom and the daddy: Get these children out of the house. Yet they still have a mortgage payment and where are they going to go? If they don't have other family to move in with, they have to rent, yet still pay on the mortgage. And oh, by the way, the bank is not working with them to give them some relief on their mortgage. So we have homeowners who, as we say in the South, are in a fix; they do not know what to do.

We need to go to the second test. That second test is estimated to be \$1.5 million.

Senator LANDRIEU, Senator VITTER, and a whole bunch of us had offered an amendment that was going to say it had to come out of the CPSC's funds, no new appropriation, but we can't get this passed here since we are in gridlock over this supplemental appropriations bill and we are down to the wire.

What I would like to do—and only by the gracious generosity of the chairman of the Appropriations Com-

mittee—he has offered to indicate his interest and willingness to make sure that the EPA and the CPSC are being directed by the Congress to do this test so we can get it to the next step without wasting any more time.

The CPSC told us today, in the Commerce Committee, they have plenty of money to do it. The EPA said they have funds to do it. And they are both willing to do it. The problem is we don't know, since they are midlevel managers, if the head of the CPSC is going to be willing to do this, since the head is a short term and she has not been that cooperative in the past.

So I invite the very distinguished Senator from Hawaii, the chairman of the Appropriations Committee, to state if he, as he indicated so graciously, would be willing to pour the full weight of the Appropriations Committee behind this effort not to waste any time and to have the EPA and CPSC do this test for the sake of the health of our people.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. I shall be honored and privileged to join the Senator in his mission. It is a valid one and I hope one this full Senate can approve at some later date. I will be most pleased to join him in any sort of letter he will be writing to the authorities. I can assure my colleague that the full impact of my office will be at his disposal.

Mr. NELSON of Florida. The Senator is so gracious, and he always has been, I say to my colleague, Senator INOUYE.

Mr. DURBIN. Will the Senator from Florida yield?

Mr. NELSON of Florida. Yes, absolutely, to the distinguished Senator from Illinois.

Mr. DURBIN. I happen to chair the subcommittee responsible for the Consumer Product Safety Commission and I have listened to the Senator's presentation. The Senator told me last night that some of this suspect Chinese drywall may be in my home State so I want to get ahead of the curve and join him in this effort. Let's get this analyzed as quickly as possible, and if it poses any danger we ought to know it. I put the Consumer Product Safety Commission on notice, with Senator INOUYE and yourself and many others, that we expect them to take this very seriously on a timely basis.

Mr. NELSON of Florida. With those very generous assurances by these esteemed Senators, I am grateful, Mr. President, and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

HUMAN RIGHTS

Mr. DURBIN. Mr. President, for the past year, I have been working to bring attention to the human rights abuses occurring around the world, including little-known political prisoners who are languishing in prisons in farflung reaches.

Too many jails still overflow with prisoners of conscience whose only crime is to expect basic freedom, human rights, and due process. I undertook this effort with the understanding that it would not be easy. I have dealt with these governments in the past, and many times they are unresponsive. Few repressive regimes want to address human rights records, and in some of the smaller countries where these human right abuses are taking place, it takes quite an effort to get their attention.

Through our annual human rights reporting at the State Department, our diplomacy and steady public pressure on basic human rights, the United States has traditionally been a champion and source of hope around the world for those suffering human rights violations.

I might add, parenthetically, that I wish to thank Senator PATRICK LEAHY for, again, this morning reauthorizing my Subcommittee on Human Rights and the Law, a subcommittee which I chaired over the last 2 years.

I worried that in recent years America has not raised its voice enough in these kinds of cases, and we should not forget that for some people whose lives seem so desperate, a little effort on our part can make a dramatic difference.

Take, for example, the appeal made by Burmese Nobel Prize winner Aung San Suu Kyi, who has remained under house arrest in Burma for most of the last 19 years. She is in deteriorating health and was apparently moved to a notorious prison this week.

I think this is clearly a situation where we know she needs our attention and help. Most people have read the account in the newspapers about her problems and understand she was victimized by an American who somehow managed to get into her home, and in entering her home and staying overnight, violated the law, or apparently violated the law.

I certainly hope, at the end of the day, that her house arrest will come to an end and this poor woman will be given a chance to have freedom which she richly deserves. I am not going to read this entire statement, as it contains many names of foreign origin that may be difficult for me to pronounce and for our reporter to keep up with.

Today, I am pleased to report the release of one of the first of the political prisoners my efforts have focused on, specifically a case in Turkmenistan.

Earlier this year I raised my concerns with the Government of Turkmenistan about four Turkmen po-

litical prisoners. These prisoners have languished in jail for years after being convicted of spurious charges at trials that failed to meet minimum international standards. Some have families with children; some are of advanced years and reportedly in poor health.

I had hoped that the new government in Turkmenistan would take important and forward-thinking steps toward releasing political prisoners from an earlier era.

Earlier this month, one such political prisoner in fact, the longest serving political prisoner in Turkmenistan Mukhametkuli Aymuradov, was unconditionally released after 14 long years of confinement.

I want commend this decision and strongly encourage the Government of Turkmenistan to take similar actions for all other remaining political prisoners, including: Gulgeldy Annaniyazov, a long-time political dissident who was arrested, apparently on charges that he did not possess valid travel documents, and sentenced to 11 years imprisonment; and Annakurban Amanklychev and Sapardurdy Khadzhiev, members of the human-rights organization Turkmenistan Helsinki Foundation, who were sentenced to 6-to-7 years in jail for reportedly “gathering slanderous information to spread public discontent.”

The freeing of Mr. Aymuradov is an important first step, but more are needed.

I want to conclude by returning to the still unresolved case with which I started this effort, that of journalist Chief Ebrima Manneh from the small west African Nation of The Gambia.

Mr. Manneh was a reporter for the Gambian newspaper, the Daily Observer. He was allegedly detained in July 2006 by plainclothes National Intelligence Agency officials after he tried to republish a BBC report mildly critical of President Yahya Jammeh.

He has been held incommunicado, without charge or trial, for 3 years. Amnesty International considers him a prisoner of conscience and has called for his immediate release.

Three years without the government even acknowledging it took one of its own citizens, without telling his family where he is being held, this is reprehensible. It is outrageous.

The Media Foundation for West Africa, a regional independent nongovernmental organization based in Ghana, filed suit on Mr. Manneh's behalf in the Community Court of Justice of the Economic Community of West Africa States in Nigeria. This court has jurisdiction to determine cases of human rights violations that occur in any member state, including The Gambia.

In June 2008 the Court declared the arrest and detention of Mr. Manneh illegal and ordered his immediate release. A petition has also been filed on his behalf with the United Nations Human Rights Council's Working Group on Arbitrary Detention, and a decision from this body is expected soon.

Yet despite the judgment of the court, as well as repeated requests by Mr. Manneh's father, fellow journalists, and me, the Gambian Government continues to deny any involvement in his arrest or knowledge of his whereabouts.

Mr. President, America has been wrongly defined by our critics since 9/11. We need to define our values as a caring Nation, dedicated to helping improve the lives of others overseas, including those living under repressive governments. Doing so is an important statement of who we are as a Nation.

Five other Senators, including Senators FEINGOLD, CASEY, MURRAY, LIEBERMAN, and KENNEDY, joined me in a letter last month to Gambian President Jammeh about the detention of a Mr. Manneh. Our request was simple, and I hope the Gambian leadership will respond to it.

We are in contact with them in an effort to try to come to some reasonable conclusion to this situation. Doing so is so important for the people whose lives are at risk and for our reputation in the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

TRADE POLICIES

Mr. BROWN. Mr. President, our economy, as we know so well, struggles with massive job losses, a shrinking middle class, and an economic crisis that undermines the pursuit for far too many Americans and the American dream.

In 2006, voters in my State of Ohio, from Marietta to Cleveland, from Van Wert to Youngstown, spoke out with one voice demanding a change in our Nation's trade policy. In 2008, they reaffirmed that call with good reason, as Senator Obama, again, pointed out the problems with Bush trade policy that our trade deficit was literally \$2 billion a day during the last 2 years in the Bush administration.

Ohio has suffered more than 200,000 manufacturing job losses since 2001. The first President Bush pointed out that a billion dollars in trade deficit translates into 13,000 lost jobs. Do the math. For too long we have been without a coherent trade strategy with no real manufacturing policy.

Most of our trade deficit is due to a manufacturing deficit. Current policies have failed to deliver on good jobs and on stability.

Today, in committee, the Senate Finance Committee held a hearing on the

Panama Free Trade Agreement. I do not think the American people are demanding a trade agreement with Panama. What I hear people in Ohio demanding is a new direction. I hear people demanding change on trade, change on our economic policy, change on our Nation's economic strategy. I hear people asking lots of questions about the economic course we are on.

I hear people worried about our manufacturing base. I hear Ohioans say that for every day not spent enforcing trade law and not reforming our trade policy, there are manufacturers eliminating jobs.

Since 2000, the United States has lost 4 million manufacturing jobs, not all because of trade but for a lot of reasons—but much because of trade. In the last decade, some 40,000 factories have closed nationwide, 40,000 factories have shut down.

A continuing loss of U.S. manufacturing means more unsafe imports, a greater dependence on foreign factories to produce both our everyday consumer goods and for our national security and military hardware.

A 2008 EPI study found the United States has lost more than 2.3 million jobs since 2001 just as a result of our trade deficit with China. Again, our trade deficit with China is over \$200 billion. The first President Bush said that a billion-dollar trade deficit was 13,000 lost jobs.

China uses illegal trade practices, such as dumping, such as subsidies, such as currency manipulation, to undercut U.S. manufacturers.

When Congress approved China's PNTR, Permanent Normal Trade Relations—when Congress approved the legislation to start the ball rolling on China's inclusion into the World Trade Organization, then it made commitments, China made commitments to gain greater access to U.S. markets. They got the access to the U.S. markets, but, unfortunately, China has not been held to those commitments.

Think about toxic toys, think about the toys with lead-based paint on them that came into the United States, think about the ingredients made in China put in Heparin, the blood thinner that killed several people in Toledo, OH, and others around the Nation.

These are the trade issues people want action on, on jobs, on safety, on consumer protection. These are the trade issues I hope the Obama administration is focused on, not the trade agreement with Panama.

Let's talk for a moment about the Panama agreement. It is, of course, an agreement negotiated under the Bush administration's fast-track negotiating. This is not an Obama trade agreement, this is a Bush trade agreement. As we remember, Senator Obama in his campaign was very critical of the Bush administration's trade policy.

The Presiding Officer was in the House of Representatives in those days, as I was, in 2002, when fast track—the negotiating authority extended to

President Bush to give him more power to negotiate trade agreements—passed the House by three votes in the middle of the night, and the rollcall was kept open for over 2 hours in the last week before the August recess.

The Panama agreement was one of the last deals negotiated and signed by President Bush. Under the fast-track authority given to him that night in 2007, there were important improvements to the labor and the environment chapters of the Panama agreement. This reflected the work of many in Congress, including the Finance Committee in the Senate, the Ways and Means Committee in the House.

Yet there remains serious concerns about this agreement. Many in Congress have expressed concerns about the safe haven Panama affords to companies looking to skip out on their taxes. What does that mean? It means there is a way to evade taxes by moving business activity offshore.

Yesterday, Congressman SANDER LEVIN and Congressman LLOYD DOGGETT wrote the Panama's serious tax evasion issues require a serious remedy before Congress can even consider the Panama trade agreement.

The issues about tax evasion are even more serious when the Panama Free Trade Agreement includes rules on corporate investor protections. These are rules that shift more power to corporations and away from the democratic process. In other words, these trade agreements have loaded up in them all kinds of protection for the drug companies, the insurance companies, the energy companies, not so many protections for workers, for the environment, for consumer protection, for food safety.

It is part of the old model that gives protections to the large companies, protections to large corporations, protections to Wall Street, while not ensuring protections for workers and food and product safety.

Panama and the free-trade agreement, as it is written, means more of the same failed trade policies rejected by working families across the Nation. For too long we have seen the pattern: the North American Free Trade Agreement, NAFTA; the Central American Free Trade Agreement, CAFTA; China PNTR, the Panama Free Trade Agreement.

We need to stop the pattern where the only protectionism in free-trade agreements are protecting the drug companies, protecting the oil industry, protecting the financial services companies, many that have created the economic turmoil we now face.

Let me explain it another way. This is not actually the Panama Free Trade Agreement, but it is about this length. It looks about that much. If we were concerned with tariffs, which is what they always say when they talk about the Panama trade agreement, this trade agreement, to eliminate tariffs on American products in Panama, this trade agreement would only need to be about three or four pages.

But it is much longer. You know why? You have to have this section for protection for oil companies. You have to have this section for the protections for the insurance companies. You have to have this section for the protection for the banks. You have to have this section for the protection for the drug companies.

But there is nothing left protecting consumers, protecting food safety, protecting workers, protecting the environment. These are protectionist trade agreements, all right, but they are protecting again the drug companies, the insurance companies and other financial institutions and others.

If this trade agreement were solely about trade and tariffs, literally, it would be only this long. It would simply be a schedule of how you eliminate these tariffs, just repeal the tariffs that apply to American goods that are sold in Panama.

When people say Panama has access to the U.S. market, all we are asking is to eliminate the tariffs so we have access to the Panama market. People who tell you that are the same lobbyists around here who represent the drug companies and the insurance companies and the banks and the oil companies. Remember that.

For too long we have seen the status quo in trade policy that gives protections to big oil and big business. That is not acceptable.

A status quo trade policy that suppresses the standards of living for American workers, and I would also say suppresses the standard of living of what we should do in the developing nations for workers, that is not acceptable. A status quo trade policy that fails to effect real change on how we do business in China is not acceptable.

For 8 years, the Bush trade policies were, in fact, protectionist—protecting the oil industry, protecting the insurance companies and the banks and the drug companies. They were protectionist and they were wrong-headed.

We should not continue these Bush trade policies. That is what is disturbing about this body. Even considering the Panama Free Trade Agreement, we know the Bush economic policies did not work and look at the damage to our economy. Look at our trade deficit. Look at our budget deficit. Why would we adopt a Bush trade agreement when we know its trade policies failed us abysmally?

In November 2008, voters from Toledo to Athens, from Lorain all the way down south to Ironton demanded real change, not symbolic change. We need agreements to be reshaped by the Obama administration, not just tinkered with around the edges and then stamped “approved.” Make no mistake, as Senator DORGAN from North Dakota says, we want trade, and we want plenty of it. But we don't want trade under rules that protect insurance companies, drug companies, financial institutions, and the oil industry. We want agreements that work for workers and

consumers, for children, with safer toys. It is not a question of if we trade but how we trade and who benefits from trade. We must create a trade policy that helps workers and businesses thrive, especially small businesses and manufacturing, that will raise standards abroad, increase exports, and rebuild middle-class families in Ohio communities.

Our new trade policy must provide critical solutions to the Nation's economic recovery strategy. Reforming trade policy starts with a comprehensive review of the overall trade framework. We need a review of the programs responsible for enforcing trade rules and promoting exports. I am asking the GAO to look at many of these questions as we prepare for the trade act and other legislation we will consider. It is only one step.

We have a responsibility to deliver on the demand to change trade strategy. Recycling of Bush-negotiated trade agreements such as that with Panama is not a first step. It is the wrong step. The Obama administration, I hope, will join with Congress in review and reform of our trade strategy. The days of turning away from our responsibility are over.

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.

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

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

AMENDMENT NO. 1189

Mrs. HUTCHISON. Mr. President, the Senator from Michigan, Ms. STABENOW, and I have been working all day with the Chrysler president and his team and with the White House and their team and the task force and their team to try to give the assurances to the 789 dealers who are going to be put out of business across our country by Chrysler—with the 3-week notification—that they will be able to recoup the cost of the inventory that has been left on their property and in their dealerships.

I said I was going to hold up any shortening of time period for this bill to be considered until I got a letter of assurance. The original amendment, for which we have 37 cosponsors, was to extend the time by 3 weeks to allow the dealers to be able to sell more inventory, have a more orderly transition.

In fact, what we have done, in consultation with the dealers, I think is going to be much better. It is not everything they had hoped for, but if there is good faith in this effort, it is going to be good for the dealers. But it will take good faith.

Here is the letter the president of Chrysler, James Press, has sent to me.

And Senator STABENOW as well has been one of the people who has been talking about this and negotiating.

The letter says:

Dear Senator Hutchison:

I assure you that our process for redistributing the product from OldCo dealers—

Who are the old company dealers who are going to be put out of business—to NewCo dealers—

Who are the dealers who will survive—

is designed to assure that products flow quickly and efficiently from every OldCo dealer. As part of this process, we will ensure that the OldCo dealers receive a fair and equitable value for virtually all of their outstanding vehicle and parts inventory. We have more than 200 representatives in the field that are working to ensure that we make good on this commitment as quickly as is practical. We have a very robust system in place to manage the sales to NewCo dealers as well as the inspection and shipment to the new dealer.

Thanks to your input today we have added a new set of assurances and information for the OldCo dealers, with the intention of removing some of the uncertainty that naturally surrounds this process. Each OldCo dealer will receive a daily report which specifically outlines each unit of inventory and its place in the transition process.

We share the objective of selling these vehicles as quickly as possible to protect residual values. We are committed to sell every unit possible by June 9, prior to resumption of production [of the company].

Thank you for your time and interest today. Our goal is to ensure that every dealer realizes a soft landing and is able to transition smoothly.

Senator STABENOW and I called Mr. Press for a clarification of some of the parts of this letter. The biggest concern, of course, that the dealers have is getting the inventory they have paid for off their books. That is their biggest concern.

We were assured that the 200 representatives who are going out to help this orderly and quick transition will make every effort to expedite the transition to the surviving dealerships as quickly as possible. This will include specialized tools, as well as parts, inventory, and outstanding vehicles.

I said: What happens after June 9? Because the June 9 deadline is good when you are trying to expedite, but then you are not saying that you will not keep helping after June 9. They said: Absolutely not. Mr. Press said they will certainly continue to help until every part of this transition of this inventory is disposed of. And the help will be there after June 9. That was the assurance that was given.

The major thing that has happened that has been helpful is that GMAC has received—as we all know because it is public—in the range of \$7.5 billion for financing, which will be available to the new surviving dealerships—Chrysler, and I am sure General Motors as well—and so the new dealers will have the ability to finance the taking of the inventory off of the dealers who are going to be put out of business.

So that is probably one of the most important components here because

there had to be a lending source for the new dealers to absorb the new inventory.

I think the biggest concern left for the dealers is the floor plan loans they have for the inventory that is there and how that would change after June 9. I asked that question. And basically the answer is: We are going to try to do everything possible to get these transitions out before June 9 so you will not have, hopefully, the problem of loans being modified.

So that is the essence of the conversation and questions I asked for clarification. I ended by saying that I think we are much further ahead now than we were when the letter arrived on May 14 to the dealers saying: We are not going to buy inventory, we are not going to buy parts, and we are not going to buy the specialized tools, and you have 3 weeks to deal with this. We have come a long way from there.

I said to Mr. Press, and to his team, that I did appreciate this effort and the better clarification, but we will know in 2 weeks if the good faith that is represented in this letter is, in fact, implemented. And they agreed with that.

I think we have made a step in the right direction—when my dealers call and say: Under the circumstances, it is not what we had wanted, but we have been treated as fairly as possible and have certainly gotten the relief from the burden of inventory so we can deal with the employees who will not be with us anymore, and the land and the real estate and the other costs of closing an ongoing business.

So I will say to my colleague from Michigan, I do not think any of this would have happened without her stepping in. And hands-on efforts were made to bring the White House in, Chrysler in, my staff, her staff. So it was certainly a team effort.

I want to thank the 37 cosponsors of my amendment because I think that was a clear indication that over one-third of this Senate was not going to let this go the way it had been left at the time. So if there is good will in this whole effort for the next 2 weeks, then I am optimistic it will have a good result.

Mr. President, I ask unanimous consent that the letter written to me by James Press today be printed in the RECORD.

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

CHRYSLER,
MAY 21, 2009.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: I assure you that our process for redistributing the product from OldCo dealers to NewCo dealers is designed to assure that products flow quickly and efficiently from every OldCo dealer. As part of this process, we will ensure that the OldCo dealers receive a fair and equitable value for virtually all of their outstanding vehicle and parts inventory. We have more than 200 representatives in the

field that are working to ensure that we make good on this commitment as quickly as is practical. We have a very robust system in place to manage the sales to NewCo dealers as well as the inspection and shipment to the new dealer.

Thanks to your input today we have added a new set of assurances and information for the OldCo dealers, with the intention of removing some of the uncertainty that naturally surrounds this process. Each OldCo dealer will receive a daily report which specifically outlines each unit of inventory and its place in the transition process.

We share the objective of selling these vehicles as quickly as possible to protect residual values. We are committed to sell every unit possible by June 9, prior to resumption of production.

Thank you for your time and interest today. Our goal is to ensure that every dealer realizes a soft landing and is able to transition smoothly.

Please feel free to contact me anytime.

Sincerely,

JAMES E. PRESS,
Vice Chairman & President.

Mrs. HUTCHISON. I yield for Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you, Mr. President.

Of course I want to thank Senator HUTCHISON. Without her leadership, without her effort and her amendment, we would not have what I believe and am very hopeful will be an important, positive solution to help our dealers rather than leaving them on their own in the middle of what has been a very horrible time as it relates to Chrysler and General Motors and actually the auto industry around the world in terms of what has been happening.

I thank Senator HUTCHISON because she has been very tenacious and very effective, and it has been my pleasure to partner with my friend from Texas to achieve something that I believe is positive.

Before we started this process, the dealers were on their own. That was wrong. As a result of working together, and I should say working with Chrysler—and I appreciate all of their efforts in, obviously, an extremely difficult time for them. I appreciate their working with us. I appreciate President Obama and the auto task force for being the linchpin in terms of giving us a solution in terms of what they were able to do around financing. And I thank all of our colleagues who have been involved.

But we basically have two things. We have the dealers being able to get floor plan financing, which we have been working on for a long time—to be able to get that so, as Senator HUTCHISON said, the 75 percent of the dealers who will remain in business will have the opportunity to finance the purchase of the acquisition of inventory from the dealers who are going to be going out of business.

The second thing is there is now a plan and a commitment to work through this process in terms of inventory and being able to support the dealers in a very difficult time.

I feel very close to this issue, not just because I represent Michigan, an automobile State, but my father and grandfather were car dealers in a small town in northern Michigan. I grew up on a car lot. My first job was washing the automobiles on the dealership lot. I know what this is about: small businesses all across Michigan, all across this country, folks who do sponsor the Little League teams. Senator HUTCHISON and I were talking about the ads in the paper, and the supporting the community, and all that goes on. I lived it. I saw it. It is absolutely critical we do everything we can in this incredibly difficult time to support them.

So I am very pleased we have been able to come together with this. I do wish to put in one little plug for when we come back from this next week. Senator BROWNBACH and I are offering a bipartisan effort in the form of an amendment to incentivize purchasing vehicles which, I believe, is really the second stage to helping these dealers. It has been dubbed the “cash for clunkers” or fleet modernization. The bottom line is we want to be able to incentivize getting people back into those dealerships to be able to buy automobiles. I am going to put a big sign out saying “Buy American” because that is what we want everybody to do.

So I am hopeful phase 2 will come after the break. This is very important. I would again say it would not have happened without Senator HUTCHISON and all of her leadership. It has been my great pleasure to work with her in crafting this solution.

Mrs. HUTCHISON. Mr. President, I wish to thank again the Senator from Michigan. It was certainly a difficult position for her to, of course, have the manufacturers—GM and Chrysler—but also to have the dealers that are all over Michigan. I think the tireless efforts we had all day today will hopefully end in the next 2 weeks with the implementation of as fair as possible dealings with the dealers that we could possibly have.

Mr. President, I wish to add Senator THUNE as a cosponsor of amendment No. 1189.

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

Mrs. HUTCHISON. Mr. President, I appreciate my colleague, and I so appreciate the 39 cosponsors of this amendment who stepped up to the plate and said this has to be fixed. In the end, that made a big difference. I wish to thank my colleagues who have been very bipartisan.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

The majority leader is recognized.

Mr. REID. Mr. President, I ask it be in order to make a point of order en bloc against the pending amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Therefore, Mr. President, I make a point of order en bloc that all pending amendments are not in order postcloture except the following: Leahy, No. 1191; Brown, No. 1161; Corker, No. 1173; Kaufman, No. 1179, as modified; McCain, No. 1188; and Lieberman-Graham, No. 1157; further, that amendments No. 1161, No. 1173, No. 1188, and No. 1157 be modified with changes at the desk, and once those are modified, the above six amendments, as modified if modified, be agreed to en bloc; that the motions to reconsider be laid on the table en bloc; and the following amendments be considered and agreed to in the order listed: Lincoln, No. 1181 and Hutchison amendment No. 1176, as modified; and that the motion to reconsider be laid on the table; further, that the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees, with the Senate Appropriations Committee appointed as conferees.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, regretfully I have to reserve the right to object. I have to check on one thing. Shall we enter a quorum call?

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. REID. I renew my unanimous consent request.

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

Amendments Nos. 1167, 1189, 1143, 1147, 1156, 1164, 1144, and 1139 are nongermane, and they fall for that reason.

Amendment No. 1185 is “sense of the Senate” language and is therefore dilatory under cloture. It falls for that reason.

AMENDMENTS NOS. 1191; 1161, AS MODIFIED; 1173, AS MODIFIED; 1179, AS MODIFIED; 1188, AS MODIFIED; AND 1157, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. Under the previous order, amendments Nos. 1191; 1161, as modified; 1173, as modified; 1179, as modified; 1188, as modified; and 1157, as modified, are agreed to en bloc, and the motions to reconsider are considered made and laid upon the table.

The amendments Nos. (1191 and 1179, as modified) were agreed to.

The amendments as modified, were agreed to as follows:

AMENDMENT NO. 1161, AS MODIFIED

On page 107, line 16, insert the following:

(d) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in government spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

AMENDMENT NO. 1173, AS MODIFIED

On page 97, between lines 11 and 12, insert the following:

AFGHANISTAN AND PAKISTAN POLICY

SEC. 1121. (a) OBJECTIVES FOR AFGHANISTAN AND PAKISTAN.—Not later than 60 days after the date of the enactment of this Act, the President shall develop and submit to the appropriate committees of Congress the following:

(1) A clear statement of the objectives of United States policy with respect to Afghanistan and Pakistan.

(2) Metrics to be utilized to assess progress toward achieving the objectives developed under paragraph (1).

(b) REPORTS.—

(1) IN GENERAL.—Not later than March 30, 2010 and every 120 days thereafter until September 30, 2011, the President, in consultation with Coalition partners as appropriate, shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A description and assessment of the progress of United States Government efforts, including those of the Department of Defense, the Department of State, the United States Agency for International Development, and the Department of Justice, in achieving the objectives for Afghanistan and Pakistan developed under subsection (a)(1).

(B) Any modification of the metrics developed under subsection (a)(2) in light of circumstances in Afghanistan or Pakistan, together with a justification for such modification.

(C) Recommendations for the additional resources or authorities, if any, required to achieve such objectives for Afghanistan and Pakistan.

(2) FORM.—Each report under this subsection may be submitted in classified or unclassified form. Any report submitted in classified form shall include an unclassified annex or summary of the matters contained in the report.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committees on Armed Services, Appropriations, Foreign Relations, Homeland Security and Governmental Affairs, and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, Foreign Affairs, Homeland Security, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

AMENDMENT NO. 1188, AS MODIFIED

At the end of title XI, add the following:

SEC. 1121. (a) ADDITIONAL AMOUNT FOR ASSISTANCE FOR GEORGIA.—The amount appropriated by this title under the heading “Assistance for Europe, Eurasia and Central Asia” may be increased by up to \$42,500,000, with the amount of the increase to be available for assistance for Georgia.

AMENDMENT NO. 1157, AS MODIFIED

At the appropriate place, insert the following:

SEC. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.

(a) SHORT TITLE.—This section may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(b) DEFINITIONS.—In this section:

(1) COVERED RECORD.—The term “covered record” means any record—

(A) that is a photograph that was taken between September 11, 2001 and January 22, 2009 relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(B) for which a certification by the Secretary of Defense under subsection (c) is in effect.

(2) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(c) CERTIFICATION.—

(1) IN GENERAL.—For any photograph described under subsection (b)(1)(A), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(A) citizens of the United States; or

(B) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(2) CERTIFICATION EXPIRATION.—A certification submitted under paragraph (1) and a renewal of a certification submitted under paragraph (3) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(3) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(A) a renewal of a certification in accordance with paragraph (1) at any time; and

(B) more than 1 renewal of a certification.

(4) A timely notice of the Secretary's certification shall be provided to Congress.

(d) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(1) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(2) disclosure under any proceeding under that section.

(e) Nothing on this section shall be construed to preclude the voluntary disclosure of a covered record.

(f) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

SEC. _____. SHORT TITLE.

This section may be cited as the “OPEN FOIA Act of 2009”.

SEC. _____. SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.

Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

AMENDMENTS NOS. 1181 AND 1176, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. Under the previous order, amendments Nos. 1181 and 1176, as modified, are agreed to, and the motions to reconsider are considered made and laid upon the table.

The amendment (No. 1181) was agreed to.

The amendment (No. 1176), as modified, was agreed to, as follows:

AMENDMENT NO. 1176, AS MODIFIED

At the appropriate place in the bill, insert the following:

SEC. _____. For purposes of qualification for loans made under the Disaster Assistance Direct Loan Program as allowed under Public Law 111-5 relating to disaster declaration DR-1791 (issued September 13, 2008) the base period for tax determining loss of revenue may be fiscal year 2009 or 2010.

AMENDMENT NO. 1139

Mr. LEAHY. Mr. President, this week, Senator CORNYN insisted on offering an amendment to the emergency supplemental appropriations bill that is most unfortunate. It is an amendment that is so broad in scope and, I believe, wrongheaded, that I felt I should note my disagreement. As a former prosecutor, I am troubled that the Senate is being called upon to pre-judge matters that have yet to be fully investigated. This amendment is a classic example of putting the cart before the horse.

I have proposed a Commission of Inquiry in order to move these debates outside of partisan politics. An independent and nonpartisan panel taking a comprehensive approach is better positioned to determine what happened. Before the Senate starts pontificating about who should and should not be investigated, sanctioned, ethically disciplined or prosecuted, would it not be a good idea to know what took place?

I was encouraged to hear Senator CORNYN call for “an end to the poisonous environment that has overtaken the debate about detention and interrogation policy in the aftermath of September 11th, 2001.” I agree and that is why I proposed taking the matter out of partisanship and away from political institutions. That is not what the amendment does, however. First, Senator CORNYN styled this as a sense of the Senate making overly broad findings, now he has stripped those findings from this amendment, and is doing something even more nonsensical, trying to prohibit the use of funds for something that funds are not even provided for in the emergency supplemental.

An amendment politicizing decisions about investigations and prosecutions is not the right approach. We should have closed the book on efforts to have partisan interests infect Federal law enforcement decisions when we lifted

the veil on the Bush White House's manipulation of U.S. attorney firings. Some of us have worked very hard to restore the U.S. Department of Justice to be an institution worthy of its name and to again command the respect of the American people.

Senator CORNYN spoke on the floor this week about learning together from our past mistakes. I, again, invite all Senators from all parts of the political spectrum to join my call for a nonpartisan investigation to do just that.

The Justice Department has yet to finish a 5-year inquiry regarding whether some of the lawyers responsible for the Office of Legal Counsel opinions that justified brutality acted in ways that failed to meet professional and ethical standards. It was a Republican ranking member on the Judiciary Committee who earlier this year said that if the news reports of how those memoranda came to be generated are true, there may have been criminal conduct involved. President Obama and the Attorney General have been very forthright in saying that those who relied on and followed the legal advice in interrogating prisoners would not be prosecuted.

What needs to be determined, and has not, is how we came to a place where the United States of America tortured people in its custody in violation of our laws. Those legal opinions have been withdrawn. One of the earliest was withdrawn by the Bush administration in advance of the confirmation hearing on Alberto Gonzales to be Attorney General, and others were limited in the final days of the Bush administration. What we do not know and what this amendment is geared toward covering for, is the role of the former Vice President and his staff, the role of the Bush White House in generating those opinions legalizing brutal interrogations.

Last week, the Judiciary Committee held our most recent hearing into these matters. I thank Senator WHITEHOUSE for chairing the hearing before the Subcommittee on Administrative Oversight and the Courts. Philip Zelikow testified about how dissent over the legal justifications and implementation of these practices was stifled and overridden. Ali Soufan, the FBI interrogator of Abu Zubaydah, testified about his success using traditional interrogation techniques, and about how ineffective and counterproductive the use of extreme practices was in that case. And Professor David Luban critiqued the released memoranda as legally and ethically dishonest.

Last week also evidenced, yet again, why the approach of an independent, nonpartisan review is the right one. Partisans defending the Bush-Cheney administration's actions chose not to look for the truth, but to mount partisan attacks. They have succeeded in fulfilling the prophecy they created—that any effort to consider these matters would break down into partisan recriminations—by themselves doing just that. They elevated the minor role of a

former minority member of the House Committee on Intelligence into their principle concern, thereby ignoring the driving force of the former Vice President, other officials in the Bush-Cheney administration, and the complicity of the Republican congressional officials who were in control of both the House and the Senate. They raised straw men, went on witch hunts, and sought to distract from the fundamental underlying facts. All they really succeeded in demonstrating is that they will continue to view these matters through a partisan lens, and that they have yet to show any willingness to join in a fair, nonpartisan inquiry. Their recent actions reinforce why we need the independent, nonpartisan inquiry for which I have been calling over the last several months.

For those who have reflexively opposed my proposal for a comprehensive, nonpartisan, independent inquiry, I ask these questions: If we never find the truth and understand the mistakes we have made, what incentive is there to avoid them in the future? What guarantee is there that the Government will not repeat the same mistakes? What incentive will future administrations have to respect the very rule of law that distinguishes us as a nation? The risk that the past will again be prologue is too great to take simply because it is not easy to face the truth.

I continue to believe that we must know what happened, and why, to ensure that America does not go down this dark road, again. Before we turn the page, we need to read the page. We should proceed without partisanship, not as Republican or Democratic politicians, but as Americans who recognize, as Philip Zelikow testified last week, that torture was "a collective failure and it was a mistake."

During the last several weeks, we have seen the release of the Senate Armed Services report documenting the complicity of top Bush-Cheney administration officials. News reports have indicated that in April 2003, after the invasion of Iraq, the U.S. arrested a top officer in Saddam Hussein's security force, and that some acting on behalf of then Vice President Cheney urged the use of waterboarding in an effort to coerce a "confession" supporting the link between al-Qaida and Iraq. That link, of course, has proven to be an illusory justification for the war, as were the nonexistent stockpiles of nuclear weapons and others weapons of mass destruction. Likewise, COL Larry Wilkerson, former chief of staff to President Bush's first Secretary of State, has written that these brutal interrogations, conducted in the spring of 2002 before the legal authorizations of the OLC memoranda were crafted, were aimed at the "discovery of a smoking gun linking Iraq and al Qaida." Perhaps these reports help explain why former Vice President Cheney continues to adamantly support these discredited practices. Perhaps they explain why the proposed amend-

ment's language is so vague with regard to those who, in its words, "provided input into the legal opinions."

There are strong passions on all sides. It is not only former Vice President Cheney and his apologists who feel strongly. There are those who will not be satisfied by anything less than prosecutions for war crimes. I have always believed that there is a fundamental middle ground, one that focuses on the most important issue at stake—finding out what happened and why.

I appreciate the support of so many who have rallied to this idea of a nonpartisan commission and a comprehensive review of what took place. Ambassador Thomas Pickering and Philip Zelikow, the executive director of the 9/11 Commission and a former State Department counselor, have both testified in favor of this idea. Former Bush administration official Alberto Mora, and the former FBI Director under President Reagan, Judge William Sessions, have both recognized the need for accountability. Distinguished former military officers, who are familiar with commissions of inquiry, have been supportive. These officers include ADM Lee Gun and MG Antonio Taguba, as well as the National Institute of Military Justice. Senators FEINGOLD and WHITEHOUSE, both members of the Senate Judiciary and Intelligence Committees, have strongly endorsed the idea, as has Senator ROBERT BYRD. The Speaker of the House has spoken favorably about getting to the bottom of these matters, and she has shown her willingness to cooperate with such an inquiry.

Human rights leaders and organizations have endorsed the approach, including Amnesty International, the Constitution Project, the International Center for Transitional Justice, Human Rights Watch, Physicians for Human Rights, the Open Society Institute, the Brennan Center, Human Rights First, and others. Prominent religious leaders such as those represented by the National Religious Campaign Against Torture, which is composed of a broad spectrum of religious denominations, support this idea.

Thoughtful commentators like Jon Meachem, Nicolas Kristof, Tom Ricks, Frank Rich, and Maureen Dowd have come to endorse a nonpartisan commission. Editorials in support of a nonpartisan commission have appeared over the last several weeks in The New York Times, The Washington Post, the Los Angeles Times, Newsweek, and in Vermont's Rutland Herald.

Last week, the Attorney General of the United States testified that the Justice Department would, of course, cooperate with such a commission were Congress to establish one. The President of the United States has said that he, too, feels that such a pursuit would be better conducted "outside of the typical hearing process" by a bipartisan body of "independent participants who are above reproach and have credibility."

I urge those Republicans who truly believe, as Senator CORNYN said, that in looking at these matters we must “maintain our sense of perspective and objectivity and fairness” to join in a bipartisan effort to provide for a non-partisan review by way of a commission of inquiry. Such a commission would allow us to put aside partisan bickering, learn from our mistakes and move forward.

Just as partisan Republicans were wrong to try to hold up the confirmation of Attorney General Holder to extort a pledge from him that he would not exercise independent prosecutorial judgment, it is wrong to shoe horn this amendment onto this emergency spending bill. I opposed the effort by some Republican Senators who wanted the Nation’s chief prosecutor to agree in advance that he would turn a blind eye to possible lawbreaking before investigating whether it occurred. Republican Senators asked for such a pledge, a commitment that no prosecutor should give. To his credit, Eric Holder did not.

Similarly, passing a broad and unrelated amendment on an emergency appropriations bill that seeks to instruct the Attorney General how to fulfill his constitutional responsibilities is not the path forward. Before we even know how these legal opinions were generated and who was responsible for what, this amendment calls for the Senate to usurp the Justice Department’s role in determining whether and, if so, who to investigate or prosecute. Any former prosecutor, any lawyer and any citizen should know that it is not the decision of or an appropriate role for the U.S. Senate.

AMENDMENT NO. 1156

Mr. MCCAIN. Mr. President, I support Senator LIEBERMAN’s amendment relating to Army end strength. By clarifying existing law contained in the National Defense Authorization Act for fiscal year 2008 and providing \$400 million for personnel and O&M costs, it ensures soldiers already on Active Duty or who are about to be enlisted are able to serve. It does not create new authority for more Active-Duty soldiers, rather it corrects an erroneous legal interpretation about which end strength number should be used to calculate percentages for additional troops. I applaud Senator LIEBERMAN’s commitment to this goal.

STATUS OF FORCES AGREEMENTS

Mr. MERKLEY. Mr. President, I commend the chairman of the Appropriations Committee for all of the great work he has done to put this supplemental together.

It is my understanding that the House version of the bill includes a study aimed at examining how the terms of the Status of Forces Agreement will be met, specifically as the agreement relates to withdrawal timelines.

As the conferees work to resolve the differences of the two bills, I look forward to working with the gentleman to

ensure this report remains in the final bill language.

Mr. INOUYE. I thank the gentleman from Oregon for his request. I appreciate his concerns and look forward to working with him on this matter.

MRAP-ALL TERRAIN VEHICLE

Mr. LEAHY. Mr. Chairman, I was very pleased to see that the committee provided more than \$3 billion for smaller, more agile, but still highly protective vehicles known as the MRAP-all-terrain-vehicle. That is \$1.55 billion above what the administration requested in the fiscal year 2009 supplemental. We received a lot of testimony on this armored vehicle program from witnesses before our subcommittee, including the Chief of Staff of the Army, and I had a personal conversation with Secretary of Defense Gates. Everyone said that the MRAP-ATV, as it is known in short, is absolutely critical to achieving our goals in Afghanistan.

Mr. INOUYE. I appreciate that comment from my good friend and colleague, the senior Senator from Vermont. The MRAP-all-terrain-vehicle is very important to protecting our forces in Afghanistan. Since 2005, the Defense Appropriations Subcommittee has allocated well over \$25 billion to purchase MRAP vehicles, which have a V-shaped bottom and several unique features that deflect energy from roadside bomb blasts, prevent fragments from penetrating, and, in turn, save people from attack.

The original versions of the MRAP have saved thousands of lives in Iraq; however, they are very large, and this array of vehicles does not fully suit the more rugged environment our deployed forces faces in Afghanistan. There, we see very few paved roads. Many are simple dirt roads, slit through the sides of mountains at higher altitudes. Our forces need a vehicle that possesses a lower center of gravity and that can go off-road, but possesses the same level of protection as the original version of the MRAP.

Mr. LEAHY. The Senator is so right, and I appreciated the way the subcommittee thoroughly looked at the administration’s budget request, scrubbed the numbers, and listened to what our senior defense leaders had to say. The 86th Infantry Brigade Combat Team of the Vermont National Guard—the only Army brigade in the Army with a “Mountain” fighting designation, comprised of upwards of 1,800 proud citizen-soldiers from Vermont—will begin a yearlong deployment to Afghanistan next year. They will help train the Afghan National Army, which is critical to our success there. We want all our deployed forces—from Vermont, Hawaii, and every State, and every armed service—to have the best protection from roadside bomb attacks. That need is reflected in the urgent request from Central Command, in the so-called Joint Urgent Operational Needs Statement.

Mr. INOUYE. We have seen a rise in roadside bomb attacks in Afghanistan

this year, and it was very clear that, as we went through the request, we had to accelerate this critical force protection program. The administration’s request in the fiscal year 2009 supplemental includes \$1.5 billion for approximately 1000 vehicles. The fiscal year 2010 overseas contingency operations budget request included roughly \$1.5 billion for about the same number of vehicles. The Defense Subcommittee added \$1.55 billion for the MRAP ATV to accelerate the procurement of these critical vehicles.

Mr. LEAHY. I think it is tremendous that the subcommittee has shown such leadership on working to secure funds that we all know is essential to protecting our brave men and women deployed abroad. I look forward to continuing to work with my good friend and colleague from Hawaii to hold this funding in our conference negotiations with the House of Representatives.

I thank the esteemed chairman.

Mr. FEINGOLD. Mr. President, I intend to vote against the current emergency supplemental spending bill—the second one of this fiscal year—and I would like to briefly list my concerns before explaining them in more detail. For years I have been fighting to bring an end to our involvement in the misguided war in Iraq. While I am pleased that President Obama has provided a timeline for redeployment of our troops, I am concerned that he intends to leave up to 50,000 of the United States troops in Iraq. I am also concerned that this supplemental may pad the defense budget with items not needed for the war. We should be paying for such items through the regular budget, not running up the deficit to purchase them. Finally, while the President clearly understands that the greatest international security threat to our Nation resides in Pakistan, I remain concerned that his strategy regarding Afghanistan and Pakistan does not adequately address, and may even exacerbate the problems we face in Pakistan, problems made even more clear by the current rising tide of displaced civilians.

I do want to make clear, however, that there are a number of provisions in the bill I support, including funding for humanitarian and peacekeeping missions. In addition, I am pleased that the bill addresses the increased demand for direct farm loans through the USDA’s Farm Service Agency, FSA. As of May 7, the FSA reports backlogs of nearly 3,000 loans, including \$250 million in ownership loans and over \$100 million for operating loans. With many States having already completely utilized their initial fiscal year 2009 allocations of direct loan funds, the emergency addition of \$360 million for direct farm ownership loans and \$225 million for direct operating loans in the supplemental will help ensure that credit is available to farmers and ranchers. I was also encouraged that an additional \$49.4 million was included for the costs associated with modifying existing

FSA farm loans, which will help ensure that FSA is able to work with farmers who are viable to avoid foreclosure.

Let me start by focusing on Iraq. President Obama has taken a necessary and overdue step by outlining a schedule to safely redeploy our troops from Iraq. This will help us focus on al-Qaida and its affiliates elsewhere, which continue to be the main threat to U.S. national security. I was disappointed, however, that the President decided to draw out the redeployment over 3 years. Furthermore, recent press reports indicate that in order to meet the June 30 deadline for U.S. combat troops to be out of Iraqi cities, certain military officials may redraw city borders instead of relocating nearly 3,000 Americans, as required under the Status of Forces Agreement. This kind of fluidity is troubling as it would further delay an already too long schedule for redeployment. While we have an obligation to help stabilize the region over the long term, we must not lose sight of the fact that our very presence has a destabilizing impact and the vast majority of Iraqis support a prompt withdrawal of U.S. troops. I am concerned that if the United States does not appear to be moving to redeploy consistent with the bilateral agreement negotiated with Iraq, there could be a surge in violence against the troops of the United States.

Finally, I note that the Bush administration chose to negotiate that deal as an executive agreement when its scope clearly exceeds that of any previous Executive agreement and extends far beyond the kinds of issues addressed in a mere status-of-forces agreement. It should have been submitted to the Congress as a treaty and been subjected to the requirement of approval by two-thirds of the Senate. The Congress always retains the ultimate authority to determine whether to continue to fund military operations abroad so it is in the interest of the President to seek Senate approval. Our national security is best served when the two branches work together to determine our policy on matters of such profound importance to the United States. The Congress should make clear that, in the future, any such agreements must be submitted for ratification.

President Obama's strategy review for Afghanistan and Pakistan finally focuses the Government's attention and resources where they are most needed. After years of our country being bogged down in Iraq, President Obama has brought to the White House an understanding that the key to our national security is defeating al-Qaida, and that to do so we must refocus on this critical region.

But while the President clearly understands that the greatest threat to our Nation resides in Pakistan, I am concerned that his announced strategy has the potential to escalate rather than diminish this threat without making things better in Afghanistan.

According to credible polls, the majority of Afghans do not support a surge in U.S. forces and a majority in the south even oppose the presence of U.S. troops. For years, the Bush administration shortchanged the mission in Afghanistan, with disastrous results. But we cannot simply turn back the clock. Sending significantly more troops to Afghanistan now could end up doing more harm than good—further inflaming civilian resentment without significantly contributing to stability in that country.

Furthermore, sending 21,000 additional troops to Afghanistan before fully confronting the terrorist safe havens and instability in Pakistan could very well make those problems even worse. And don't just take my word for it. When I raised this point with Ambassador Holbrooke during a recent hearing, he replied:

[Y]ou're absolutely correct that . . . an additional [number] of American troops, and particularly if they're successful in Helmand and Kandahar could end up creating a pressure in Pakistan which would add to the instability.

By providing additional funds for our troops in Afghanistan, this supplemental may actually undermine our national security as increasing numbers of the Taliban could seek refuge in Pakistan's border region. Already, the Taliban's leadership has safe haven in Quetta, while the Pakistani military fights militants in the north. Without a concurrent plan for Pakistan, the movement of Taliban across the border could further weaken local governance and stability, while a flood of refugees from Afghanistan would compound Pakistan's already dire IDP problem. And let's not forget, we are talking about instability in a country with a nuclear arsenal that according to the Chairman of the Joint Chiefs of Staff is being expanded.

The emergence of a new civilian-led government offers the United States an opportunity to develop a balanced and sustained relationship with Pakistan that includes a long-term counterterrorism partnership. I am pleased that this administration, unlike the last, has extended its engagement to a broad range of political parties and encouraged the development of democracy. I am also pleased that there are efforts to significantly increase nonmilitary aid and to impose greater accountability on security assistance. After years of a policy that neglected Pakistan's civilian institutions and focused on short-sighted tactics that were dangerous and self-defeating, this is a refreshing step in the right direction. Make no mistake about it, the threat of militant extremism has been and continues to be very real in Pakistan, but by embracing and relying on a single, unpopular, antidemocratic leader we failed to develop a comprehensive counterterrorism sustained strategy that transcended individuals. As a result, we must now recover from a policy that led Pakistanis to be skeptical

about American intentions and principles.

While I support efforts to build a sustained relationship with Pakistan, I remain concerned that, even as we continue to provide support to the Pakistani military, elements of the Pakistani security forces remain unhelpful in our efforts to cut off support for the Taliban. During a recent hearing before the Senate Armed Services Committee, Senator McCAIN asked Admiral Mullen if he still worries about the ISI cooperating with the Taliban. Admiral Mullen responded that that he did. This bill contains over \$1 billion for the Pakistani military, and while we must not over generalize or take an all or nothing approach, it would be unwise and very dangerous to convey to the Pakistani military that it has our unconditional support.

That would be especially dangerous now as recent fighting between militants and Pakistani forces has reportedly displaced nearly 1½ million people—the greatest displacement there since 1947. This is very troubling, and has potentially grave strategic implications for U.S. national security. As General Petraeus has said, "We cannot kill our way to victory." As we continue to provide assistance to Pakistan's military, we must ensure they—and we—have the support of the Pakistani people. No amount of civilian aid after the fact can make up for military operations that are not tailored to protect the civilian population in the first place.

We must also recognize that, while the Pakistani security forces are undertaking operations in the Swat Valley, there are individuals in Baluchistan who also present a significant threat to our troops in Afghanistan. When I asked Ambassador Holbrooke if he knew whether the Pakistani Government was doing everything it could to capture Taliban leaders in Baluchistan, he replied that he did not know and that while they have "captured . . . killed and eliminated over the years a good number of the leaders of the Taliban and al-Qaida [while] others have been under less pressure." I encourage the Obama administration to engage in tough negotiations with the Pakistani Government on this issue and to prepare contingency plans in the event that we continue to see members of the security services supporting militants.

We must continue to ensure al-Qaida and the Taliban are the key targets in Pakistan, but strategic success will also depend in part on the ability of the Pakistani military to demonstrate they are pursuing a targeted approach that seeks to protect the civilian population. For example, we should work to ensure that the Pakistani Government has taken steps to detain known militant leaders and is providing assistance to those who have been displaced by the ongoing violence. On the civilian side, working to help reform and strengthen vital institutions, including

the judiciary and education and health care systems, is essential. We must also work to reform the police, whose permanent presence in the community is less likely to engender hostility than the military's. In short, we must focus on helping to build the civilian institutions that are part of a responsive, accountable government needed to ensure al-Qaida and militant extremists do not find support among the Pakistani people.

Lastly, I would like to address an issue that has received much attention. A number of my colleagues have spoken on the floor in opposition to the President's commitment to close the detention facility in Guantanamo bay. I believe it is time for Guantanamo to be closed. Senator MCCAIN, Senator GRAHAM, Colin Powell and James Baker share this view. The facility has become a rallying cry and recruiting tool for al-Qaida. It contributes to extremism, anti-American sentiment and undermines our ability to build the international support we need to defeat al-Qaida.

Secretary Gates has testified that "the announcement of the decision to close Guantanamo has been an important strategic communications victory for the United States." The Director of National Intelligence, Admiral Blair, has stated that:

The detention center at Guantanamo has become a damaging symbol to the world and that it must be closed. It is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security.

And, former Navy General Counsel Alberto Mora testified to the Senate Armed Services Committee in June 2008 that

There are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are, respectively the symbols of Abu Ghraib and Guantanamo.

There are many unresolved questions about the process we will use to prosecute these detainees. We need to resolve those tough questions, but we should not use them as an excuse to avoid taking a step that is so important to our national security.

Mr. SCHUMER. Mr. President, I wanted to make a brief statement today on the Homeland Security and Governmental Affairs Committee's consideration of S. 692, a bill to ensure that a valuable collection of historical papers pertaining to President Franklin Roosevelt, known as the Grace Tully Archive, can be transferred to the Roosevelt Presidential Library in Hyde Park, NY.

The Grace Tully Archive is considered the most important collection of documents and memorabilia related to President Franklin Delano Roosevelt currently in private hands. The collection was directly given to and/or gathered by FDR's personal secretary for decades, covering both his private and public career as Governor of New York

and President. The donation of the collection to the Roosevelt Presidential Library has been supported by the National Archives—NARA—and described as a matter of "overwhelming public interest."

The acting Archivist of the United States, Adrienne Thomas, wrote to Chairman LIEBERMAN and Ranking Member COLLINS about this bill earlier this month, and I will ask that a copy of that letter be printed into the RECORD at the conclusion of my remarks.

After Grace Tully died in 1981, her collection was sold into private hands, and it has since changed hands several times. The current private owner obtained the collection in 2001 from a well-known New York rare book dealer in a widely publicized sale.

Although no previous claims had been made after other sales, the Archives stepped forward in 2004 to make a claim of ownership to certain specific documents contained in the larger Tully collection. They claimed that certain documents were "Presidential papers" and should have originally been given to the Archives, not Grace Tully yet the laws governing such documents and the establishment of Presidential libraries was not passed until after the death of President Roosevelt. So there are some legal ambiguities. But for several years, this dispute over the ownership of a small portion of the collection has prevented the donation of the entire collection.

Both sides wish to avoid litigation, since the collection is being donated to the FDR Library anyway indeed, the collection is already at the Roosevelt Library in sealed boxes waiting for the matter to be resolved. Both sides prefer that the matter be solved via Federal legislation that will clarify the ownership issue and ensure that the Archives and the American people receive this important historical collection.

Since the papers are already at the FDR library, my bill seeks only to clarify the ownership issue in order to facilitate the completion of the donation of a collection of immense value to historians. The current owner of the collection will have to abide by current tax rules governing such donations, including obtaining appropriate appraisals. All my bill seeks to accomplish is to allow the donation to move forward without the time and expense of litigation.

Last year, the Homeland Security and Governmental Affairs Committee also reported out this bill, but it was stalled by year-end disputes over unrelated unanimous consent requests. Since there is no objection to this bill, I am hopeful that the Senate can take it up and pass it unanimously very soon, so the gift of the papers can be completed this year.

Mr. President, I ask unanimous consent to have the letter to which I referred printed in the RECORD.

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

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION,
College Park, Maryland, May 18, 2009.

Hon. JOSEPH I. LIEBERMAN,
Chairman,
Hon. SUSAN M. COLLINS,
Ranking Member, United States Senate, Committee on Homeland Security and Government Affairs, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS:

Last September, former Archivist of the United States Allen Weinstein wrote to Senator Schumer to express NARA's strong support for his effort to facilitate the donation of the "Tully Archive" to the Franklin D. Roosevelt Presidential Library (located in Hyde Park, NY), a part of the National Archives and Records Administration, through legislation that was pending in the last Congress. I write now to express NARA's continuing support of this effort in the current Congress, as encompassed in S. 692 (introduced by Senator Schumer).

As we have explained, the Tully Archive is a significant collection of original FDR-related papers and memorabilia that had been in the possession of President Roosevelt's last personal secretary, Miss Grace Tully. Due to the efforts of your committee to move the issue along, we are now very close to resolving this matter after several years of uncertainty.

Successful resolution of this case through a donation to the National Archives, as facilitated by this legislation, would culminate several years of serious discussion between the Government and the private parties involved. It will also result in substantial savings to the government, by obviating the need for a lawsuit to claim and assert government ownership over a small portion of the collection—an action that would take years, require substantial resources, and result in our obtaining only a limited portion of the Tully Archive. I recognize that there are complex issues involved in this case and consider the Committee's approach to be the best available under the circumstances.

The entire Tully Archive includes some 5,000 documents, including over 100 FDR letters with handwritten notations; dozens of speech drafts and carbons; hundreds of notes (or "chits") in FDR's handwriting; letters from cabinet officials and dignitaries, including a letter from Benito Mussolini congratulating FDR on his 1933 inaugural; Eleanor Roosevelt family letters; and photographs, books, framed items, etchings, and other memorabilia.

Although Miss Tully died in 1984, the extent of the collection only came to the attention of the National Archives in 2004 when a team from the Roosevelt Library and NARA's Office of General Counsel had the opportunity to examine the materials. Although there has been a minor dispute over ownership of a small portion of the collection, this is very close to being resolved. The entire collection is currently in sealed boxes at the Roosevelt Library waiting for the gift to be completed. I believe that the National Archives and the American people are best served by receipt of the entire collection.

It is very important to NARA, and for future historians that might want to study these papers, for the Tully Archive to be kept intact and made fully accessible to the American people in a public government archive. This result will increase the ability of scholars to learn about our 32nd president and his extraordinary life and times.

There is an overwhelming public interest in making this collection available to the

public. I personally thank you for your efforts to ensure that the issue is finally resolved in the 111th Congress.

Sincerely yours,

ADRIENNE THOMAS,
Acting Archivist of the United States.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. CARPER), the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Hampshire (Mrs. SHAHEEN), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote “aye.”

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted “aye.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 3, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—86

Akaka	Dorgan	Lugar
Alexander	Durbin	Martinez
Barrasso	Ensign	McCain
Baucus	Enzi	McCaskill
Bayh	Feinstein	McConnell
Bennet	Gillibrand	Menendez
Bennett	Graham	Merkley
Bingaman	Grassley	Mikulski
Bond	Gregg	Murkowski
Boxer	Harkin	Nelson (NE)
Brown	Hutchison	Nelson (FL)
Brownback	Inhofe	Pryor
Bunning	Inouye	Reed
Burr	Isakson	Reid
Burris	Johanns	Risch
Cantwell	Johnson	Roberts
Cardin	Kaufman	Schumer
Casey	Kerry	Sessions
Chambliss	Klobuchar	Shelby
Cochran	Kohl	Snowe
Collins	Kyl	Specter
Conrad	Landrieu	Stabenow
Corker	Lautenberg	Tester
Cornyn	Leahy	Thune
Crapo	Levin	Udall (NM)
DeMint	Lieberman	Vitter
Dodd	Lincoln	

Voinovich Warner	Webb Whitehouse	Wicker Wyden
NAYS—3		
Coburn	Feingold	Sanders
NOT VOTING—10		
Begich	Hatch	Shaheen
Byrd	Kennedy	Udall (CO)
Carper	Murray	
Hagan	Rockefeller	

The bill (H.R. 2346), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. McCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

Mr. RISCH. Mr. President, I come to the Senate floor today to speak about the National Guard and the need for this Federal Government to better equip our Guard and Reserve units. Senate amendment No. 1143, which I offered to the supplemental appropriations bill, would have done just that. Although the Senate did not adopt this sensible measure, I will continue to seek creative ways to support the National Guard and pursue this responsible and reasonable expenditure.

Simply put, my amendment would have appropriated \$2 billion to the National Guard and Reserve equipment account. This money would have come from unobligated funds made available by the American Recovery and Reinvestment Act of 2009. The rescissions would not have applied to amounts relating to the Department of Defense, the Department of Homeland Security, Military Construction, or the Veterans Administration.

In recent years, our National Guard and Reserve forces have faced substantial shortfalls in equipment, and the military budget requests have been insufficient to remedy the problem. Even prior to 9/11, our National Guard and Reserve forces had equipment deficiencies. Since 9/11, due to an especially high operational tempo in the Iraqi and Afghan Theaters of Operations, our National Guard and Reserve equipment is being worn out and exhausted more quickly than anticipated. Combat losses are also contributing to shortfalls. Compounding the problem, in order to provide deployable units, the Army National Guard and the Army Reserve have had to transfer large quantities of their equipment to deploying units, exacerbating shortages in nondeploying units. Also, some National Guard and Reserve units, at the end of their deployments, have had

to leave significant quantities of equipment overseas. If these equipment shortfalls are not remedied, our National Guard and Reserve forces run the risk of further deterioration of readiness levels and capability.

In my estimation, it seemed reasonable to move \$2 billion in unobligated stimulus spending to fund necessary procurement of new National Guard and Reserve equipment, which was tragically overlooked during the stimulus debate. The National Guard and Reserve equipment account is a critical resource for funding procurement of new equipment for our National Guard and Reserve forces. This \$2 billion increase in equipment funding would have provided much-needed modern equipment for our National Guard and Reserve forces, better enabling them to meet mission and readiness requirements. In addition, this funding, which would have to have been spent by the end of fiscal year 2010, would have provided a stimulative effect to the U.S. economy.

New equipment would also directly benefit our Nation’s homeland security missions and disaster response efforts, both of which are frequently assigned to National Guard forces. The Guard’s ability to carry out these responsibilities depends on the availability of necessary equipment. Much of the equipment that would otherwise be used in these missions remains deployed overseas and is therefore unavailable.

In closing I want to reiterate my commitment to the National Guard and Reserve. Going forward, I will continue to fight to ensure that our Guard and Reserve units have the resources and equipment necessary to complete their missions. They make every American proud, and I am committed to maintaining a healthy and well-equipped National Guard and Reserve for years to come.

Mr. WHITEHOUSE. Mr. President, 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.

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

The PRESIDING OFFICER Without objection, it is so ordered.

MORNING BUSINESS

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

The PRESIDING OFFICER Without objection, it is so ordered.

DARFUR

Mr. REID. Mr. President, I met briefly this week with the actress and activist Mia Farrow, who has dedicated so much time lately—and even put her own health at risk—to raise awareness of the atrocities in Darfur.