

Mr. ENZI. Madam President, I thank the Chair, and I thank the chairman, but from the speeches, one can tell that the Senator from Connecticut has more passion than I do. Nobody is more passionate than the Senator from Connecticut, and I appreciate his passion, particularly on this issue.

I am very hopeful we can get something done. It has been at least 10 years—I know I have worked on this all the time I have been here, and it is true in the Senator's explanation that sometimes it makes it through the House and sometimes it makes it through the Senate but it never makes it through both Houses at the same time. I think to get it done, though, it is going to take a little bit longer. I appreciate the offer the leader is making that he wishes to have votes on the relevant and arguably germane amendments that are before us, but there isn't any assurance of that if there is cloture on the bill, and that is the difficulty.

It seems to me as though we ought to be able to work out some kind of an agreement so we can quickly get into the couple of amendments that have already been debated and debated extensively, and that we would be assured of at least those two, but we haven't had a vote on anything.

I appreciate the cooperation we have had from Chairman DODD in working out a couple of the provisions, but there are some other people who have some provisions they think ought to be debated and brought up and perhaps included, but if we invoke cloture, there is no assurance they get to do that. So I have been asked to suggest that we not invoke cloture at this point in time and then do it quickly another time if it can be brought up again.

One of the amendments is Senator BURR's alternative. Even though he represents a tobacco State, he has a substitute amendment that takes major steps to restrict tobacco. It takes a tougher stance than some of the things we have in the bill. It creates a new office within HHS to regulate tobacco. I spoke about the difficulties of having the FDA do it, as they are supposed to take poisonous materials and get them off the market. Instead of giving that kind of a seal of approval, this new office would regulate the tobacco industry. It puts in place a realistic, science-based standard for the approval of new and reduced risk products. It also requires States to do more on tobacco control—something we can all support. The Burr amendment makes it more difficult for kids to get tobacco and start smoking, and that is the most important thing of all, and that is what Senator DODD has concentrated on in his remarks.

But we won't be considering that amendment, nor will we consider my amendment to ensure that the FDA continues to have the resources to carry out this program, or any amendments on smoking cessation. We won't have an opportunity to improve the

bill and attack the root of the problem, which is tobacco use.

For example, I had an amendment to reduce smoking by 1 percent a year. That is a 100-year phaseout that ought to be fairly reasonable, but we aren't going to get to debate that at all or have a vote on that amendment if we invoke cloture. So I hope we can find a way to give germane amendments serious consideration over a short period of time.

I have to oppose cloture at this point in time, and I urge my colleagues to do the same.

I yield the floor, reserve the remainder of the time, and suggest the absence of a quorum, with the time to be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Madam President, there has been some misunderstanding. I announced this on Thursday, and Senator DODD followed me and also said the same thing. Right now, there is a question with the minority on whether there would be a vote on Burr on the substitute. We said Thursday, and we say today, we are happy to allow Senator BURR to have a vote on that amendment. We have never said anything to the contrary. We still believe that should be the way it is. It is important to him, it is important to Senator HAGAN, and we are going to allow a vote on that unless there is some objection from the minority. Over here, even though cloture is invoked and technically it may not be in order, we would be happy to arrange a vote on that. We have said it for the last many hours we have been on this legislation. My point is, anybody who is not going to vote for cloture because of that is misguided and doesn't understand the facts.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1256, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and to amend title 5, United States Code, to make certain modifications in the Thrift Savings Plan, the Civil Service Retirement System, and the

Federal Employees' Retirement System, and for other purposes.

Pending:

Dodd amendment No. 1247, in the nature of a substitute.

Burr/Hagan amendment No. 1246 (to amendment No. 1247), in the nature of a substitute.

Schumer (for Lieberman) amendment No. 1256 (to amendment No. 1247), to modify provisions relating to Federal employees' retirement.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

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 the Dodd substitute amendment No. 1247 to Calendar No. 47, H.R. 1256, Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Christopher J. Dodd, Robert P. Casey, Jr., Benjamin L. Cardin, Blanche L. Lincoln, Patty Murray, Ron Wyden, Jack Reed, Sheldon Whitehouse, Maria Cantwell, Roland W. Burris, Tom Harkin, Sherrod Brown, Debbie Stabenow, Richard Durbin, Mark Udall, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1247 offered by the Senator from Connecticut, Mr. DODD, to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from New York (Mrs. GILLIBRAND), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—61

| | | |
|----------|---------|-----------|
| Akaka | Cardin | Feingold |
| Baucus | Carper | Feinstein |
| Bayh | Casey | Grassley |
| Begich | Cochran | Harkin |
| Bennet | Collins | Inouye |
| Bingaman | Conrad | Johnson |
| Boxer | Cornyn | Kaufman |
| Brown | Dodd | Kerry |
| Burris | Dorgan | Klobuchar |
| Cantwell | Durbin | Kohl |

| | | |
|------------|-------------|------------|
| Landrieu | Murkowski | Snowe |
| Lautenberg | Murray | Specter |
| Leahy | Nelson (NE) | Tester |
| Levin | Nelson (FL) | Udall (CO) |
| Lieberman | Nelson | Udall (NM) |
| Lincoln | Reed | Warner |
| Lugar | Reid | Webb |
| McCaskill | Rockefeller | Whitehouse |
| Menendez | Sanders | Wyden |
| Merkley | Schumer | |
| Mikulski | Shaheen | |

NAYS—30

| | | |
|-----------|---------|-----------|
| Alexander | DeMint | Martinez |
| Barrasso | Ensign | McCain |
| Bennett | Enzi | McConnell |
| Bond | Graham | Risch |
| Brownback | Hagan | Sessions |
| Bunning | Hatch | Shelby |
| Burr | Inhofe | Thune |
| Chambliss | Isakson | Vitter |
| Coburn | Johanns | Voivovich |
| Corker | Kyl | Wicker |

NOT VOTING—8

| | | |
|------------|-----------|----------|
| Byrd | Gregg | Roberts |
| Crapo | Hutchison | Stabenow |
| Gillibrand | Kennedy | |

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Madam President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. COLLINS. Madam President, I rise as a cosponsor of a bipartisan amendment that will provide targeted reforms to the Federal Employee Retirement System in order to be more effective and equitable for our past, current, and future Federal employees. I am joining Senators LIEBERMAN, AKAKA, and VOIVOVICH in this effort.

First, I would like to highlight a provision that I was pleased to introduce earlier this year as a bipartisan stand-alone measure with Senators VOIVOVICH, KOHL, and MCCASKILL.

This portion of the amendment would establish a 5-year pilot project allowing agencies to hire back Federal retirees for a limited period of time without having to offset their salaries by the amount of their annuities. This will strengthen the Federal Government's ability to serve the public, particularly at a time when agencies face a wave of retirement of highly experienced employees and there exists a critical need for these skilled employees.

Across the government, our agencies face a host of challenging missions that require focused leadership and vigilant oversight. In Afghanistan, our government faces an increasing demand for development experts. As the government implements the Recovery Act, experienced auditors are in high demand to ensure funds are spent wisely.

On average, however, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches 3 million people, will be eligible to retire during the coming 10 years.

This baby boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers possess.

The amendment we offer today would provide a limited, but vital, measure of relief to agencies who could benefit from the skills, knowledge, and productivity of federal retirees. It provides an opportunity for Federal agencies to reemploy retirees without requiring them to take pay cuts based on the amount of their annuity payment.

With some exceptions, retirees can currently return to work without having their salaries reduced only if OPM grants a waiver for the reemployment. This creates a disincentive for experienced Federal retirees to return to Federal service—preventing their knowledge and experience from filling critical agency needs.

The cumbersome waiver process also dissuades agencies from considering annuitants when evaluating their overall workforce strategy.

Congress has already provided exceptions to this rule. Both GAO and the Department of Defense have utilized this authority to rehire skilled annuitants to meet important mission requirements.

Other agencies, especially those charged with overseeing the stimulus and TARP funds, need the same ability to hire back experienced workers. Acting Comptroller General Gene Dodaro has indicated that the ability to reemploy annuitants without salary offset is a critical authority that GAO uses whenever a surge in staffing is necessary.

This amendment would grant the opportunity for Federal agencies, on a limited basis, to reemploy retirees without requiring them to take pay cuts based on their annuity payment or to wait for OPM to grant a waiver.

While providing needed flexibility for agencies to meet mission critical responsibilities, the amendment would also strictly prescribe the periods of time for which retirees can be rehired, thereby preventing agencies from relying solely on retirees instead of hiring a new crop of employees to fill the ranks behind our seasoned employees as they retire.

According to the Congressional Budget Office, this provision will not cost the Federal Government any additional money. The returning annuitants' health and life insurance benefits would be unaffected by their part-time work, and the government would not need to make any additional contributions to the annuitant's retirement plan. Thus, even without making any allowance for the positive effects of these returning employees' organizational knowledge, commitment, productivity, and mentoring potential, their reemployment may actually produce a net savings for taxpayers.

This reform would also provide some much needed hiring flexibilities for agencies, given the expertise the Fed-

eral Government will need to effectively implement and oversee the American Recovery and Reinvestment Act of 2009. The Chair of the Council of Inspectors General on Integrity and Efficiency, in testimony before the Homeland Security and Governmental Affairs Committee, agreed with this point, and the council has sent a letter endorsing this authority.

The ability to rehire Federal retirees would also help strengthen the Federal acquisition workforce. The Federal Government has entered the 21st century with 22 percent fewer Federal civilian acquisition personnel than it had at the start of the 1990s. Moreover, as early as 2012, 50 percent of the entire Federal acquisition workforce will be eligible to retire. This amendment will help shore up this workforce at a critical time.

The bill I originally introduced with this provision has been endorsed by the Partnership for Public Service, National Active and Retired Federal Employees Association, Federally Employed Women, the Government Managers Coalition, and the National Council on Aging.

Beyond this provision, the amendment also corrects an inequity between the two Federal retirement systems—FERS and CSRS. Current law compensates CSRS employees at the time of their retirement for the unused portion of the sick leave that they accrued over the course of their Federal careers. Employees under FERS are not provided similar compensation. This creates an unfair disparity within the Federal workforce which this amendment would rectify.

This amendment includes many provisions that would help to strengthen the Federal workforce, attracting highly skilled and talented employees at a time when they are desperately needed. I urge my colleagues to support this amendment.

Mr. AKAKA. Madam President, I rise today to support the Family Smoking Prevention and Tobacco Control Act. Tobacco products kill approximately 400,000 people each year. The Food and Drug Administration must be provided with the authority to regulate deadly tobacco products, limit advertising, and further restrict children's access to tobacco.

I commend my friend from Massachusetts, Senator TED KENNEDY, for his long-term commitment to advancing this vital public health legislation, and I want to thank my friend from Connecticut, Senator CHRIS DODD, for managing this bill. I am proud to support their efforts.

Included in the bill are a number of Federal retirement provisions that go a long way to support retirement security and provide more options for Federal employees. The provisions in the managers' amendment would make four changes to enhance the Thrift Savings Plan, TSP.

First, automatic enrollment in the TSP would encourage Federal workers

to plan for their retirement. Federal employees would be automatically enrolled in the TSP with the option of opting out of the program. The Federal Retirement Thrift Investment Board—FRTIB—indicated that raising TSP participation by just 1 percent would mean approximately 21,000 participants will have an improved ability to live comfortably in retirement.

Second, Federal employees also will be eligible for immediate matching TSP contributions from their employing agency. A recent survey from the profit sharing—401k Council of America shows that 65 percent of large employers now provide immediate matching retirement contributions. The amendment would allow the Federal Government to catch up to the practices of other large employers.

Third, FRTIB will have the option to create a “mutual fund window” in which major mutual funds will be available to TSP participants. Employees will be able to select mutual funds that are appropriate for their investment needs.

The final TSP component is the addition of a Roth individual retirement account option for participants. The Department of Defense strongly supports the inclusion of a Roth option because it is advantageous for uniformed servicemembers who would benefit more from posttax contributions than from traditional pretax contributions.

I also am proud to support my other good friend from Connecticut, Senator JOSEPH LIEBERMAN in offering an amendment to address a number of other Federal employee retirement issues. As chairman of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I believe we have an opportunity to provide critical support to the tobacco bill and correct certain retirement inequities.

Most important to my home State of Hawaii, the amendment provides needed retirement equity to Federal employees in Hawaii, Alaska, and the territories. Nearly 20,000 Federal employees in Hawaii, and another 30,000 Federal employees in Alaska and the territories, currently receive a cost-of-living allowance, COLA, which is not taxed and does not count for retirement purposes. Because of this, workers in the nonforeign areas retire with significantly lower annuities than their counterparts in the 48 States and DC. COLA rates are scheduled to go down later this year along with the pay of nearly 50,000 Federal employees if we do not provide this fix.

In 2007, the Office of Personnel Management, OPM, offered a proposal to correct this retirement inequity. After soliciting input from the affected employees, I introduced the Non-Foreign Area Retirement Equity Assurance Act. The bill passed the Senate by unanimous consent in October 2008. Unfortunately, the House did not have time to consider the bill before adjournment.

I reintroduced S. 507, which is included in the amendment, with Senators LISA MURKOWSKI, DANIEL INOUE, and MARK BEGICH. It is nearly identical to the bill that passed the Senate last year. It is a bipartisan effort to transition employees in Hawaii, Alaska, and the territories to the same locality pay system used in the rest of the United States, while protecting employees’ take-home pay. In this current economic climate we must be careful not to reduce employees’ pay.

The measure passed unanimously through the Homeland Security and Governmental Affairs Committee on April 1, 2009. OPM recently sent Congress a letter asking for prompt and favorable action on this measure. Retirement equity is one of the most important issues facing Federal workers in Hawaii, Alaska, and the territories. I urge my colleagues to support this change.

One of the other provisions in the amendment corrects how employees’ annuities are calculated for part-time service under the Civil Service Retirement System, CSRS. This provision treats Federal employees under CSRS the same way they are treated under the newer Federal Employee Retirement System, FERS. Eliminating this unnecessary disparity is a matter of fairness and correction.

Similarly, this amendment includes a provision to treat unused sick leave the same under the new retirement system as under the old system. The Congressional Research Service, CRS, found that FERS employees within 2 years of retirement eligibility used 25 percent more sick leave than CSRS employees within 2 years of retirement. OPM also found that the disparity in sick leave usage costs the Federal Government approximately \$68 million in productivity each year. This solution was proposed by the managers who wanted additional tools to build a more efficient and productive workplace and to provide employees with an incentive Congress should have retained years ago.

This amendment also will make good on the recruitment promise made to a small group of Secret Service agents. Approximately 180 Secret Service agents and officers hired during 1984 through 1986 were promised access to the DC Police and Firefighter Retirement and Disability System. This amendment is meant to provide narrow and specific relief only to this small group of agents and officers by allowing them to access the retirement system they were promised at the time they were hired.

The majority of these retirement reform provisions have the endorsement of all the major Federal employee groups including: the American Federation of Government Employees, the National Treasury Employees Union, the National Active and Retired Federal Employee Association, the Senior Executives Association, the Federal Managers Association, the Government

Managers Coalition, the International Federation of Professional and Technical Engineers, and the list goes on.

I strongly encourage my colleagues to support this amendment, the Federal retirement reform provisions, and the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, let me express my gratitude to my colleagues on both sides. This was a bipartisan effort to allow us to get to more votes. I promise my good friend Senator BURR if I have to vote against a point of order to make sure he gets his amendment up, I will do so.

Tomorrow afternoon, we will set a time for that, and there are other germane amendments, and the leadership will describe how that will work so the germane amendments can be offered and these matters can be considered fully so that we can get to final passage after that.

But I am very grateful to my colleagues on both sides who made this possible. It has been 10 years in waiting to get to this bill that allows us finally to deal with the marketing of tobacco products to children. That is more than 400,000 deaths a year, with 3,000 to 4,000 kids starting to smoke every day. This bill, for the first time, will allow us to step up and require FDA regulation of tobacco products. That is a great accomplishment for the people of our country, and I am very grateful to my colleagues.

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

The PRESIDING OFFICER. Will the Senator withdraw his request for a quorum call?

Mr. DODD. I will withdraw the request.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I ask unanimous consent that the Senator from Illinois, Senator DURBIN, be recognized following my presentation.

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

Mr. DORGAN. Madam President, I wanted to compliment Senator DODD for his work on this bill, as well as Senator ENZI and others. I want the RECORD to reflect something we agreed to today. Some will wonder what has happened to the legislation that I indicated I would offer on the bill we just had a cloture vote on—the importation of prescription drugs. I intended to offer it on this bill. I have received from the majority leader a commitment that it will be put on the calendar under rule XIV and brought to the Senate for a vote, and he will do that very soon. On that basis, I voted for cloture.

I know my colleagues, Senator SNOWE, Senator MCCAIN, Senator STABENOW, and many others feel very strongly about this, as do I. We have been at this for 8 or 10 years. It has been a long time, and the support for allowing the importation of FDA-approved prescription drugs is very broad

in the Senate. Senators MCCAIN, GRASSLEY, KENNEDY, STABENOW, myself—in fact, President Obama was a cosponsor of our legislation last year. He has included in his budget a provision for this kind of legislation. We had over 30 Senators—Republicans and Democrats—who believed the same thing, and that is we ought to allow the American consumer to access FDA-approved prescription drugs from other countries—not because we want them to shop in other countries but because we believe the ability to do so will put downward pressure on prescription drug prices in our country.

Madam President, if I might, I ask unanimous consent to display these two pill bottles to show exactly what we are talking about.

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

Mr. DORGAN. This is Lipitor, produced in Ireland by the same company, shipped in two different directions. Even the bottle is identical, except one has a blue label and one has a red label. One of these went to Canada and one of them went to the United States. The American people get the pleasure of paying twice the price for Lipitor than the Canadians do. But it is not just Canada, it is virtually every other industrialized country that is able to pay a fraction of the price for prescription drugs our consumers are required to pay. Why? Because there is a law in our country that says the only entity that can import prescription drugs is the manufacturer of the drug itself.

The legislation we have put together on a bipartisan basis is very straightforward and it provides substantially greater protections with pedigree and batch lots, and so on, substantially greater protection than now exists. So don't anybody tell me there is a safety issue. This is about whether the American people should continue to be paying the highest prices in the world for prescription drugs.

At last—at long last—we ought to have a vote on this and get it through the Congress and signed by a President who was a cosponsor when he served in this body. So the majority leader has committed to giving us the opportunity to get this on the floor, and that commitment we will exchange by letter in the morning. I expect that to happen in the very near future, within a matter of a couple of weeks, and I believe that finally we will be able to dispose of this on the floor of the Senate. I believe that we have more than sufficient votes to pass this importation of prescription drugs legislation in order to put downward pressure on drug prices in this country.

What is happening in this country with drug pricing is unfair to the American people. It is as simple as that, and we aim to correct it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is to be recognized.

Mr. DURBIN. Madam President, I will be happy to yield to the Senator

from Arizona and then reclaim the floor after he has spoken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the Senator from Illinois. I will be brief.

I thank the Senator from North Dakota for his outstanding work, and I thank also the majority leader, who assured us that he would give consideration to this issue. He has. He has agreed to bring it to the floor. And when the majority leader gave that assurance, frankly, I was a little skeptical about our ability to do so. I am happy he is bringing it forth for a vote, and I appreciate it very much. And I again thank Senator DORGAN for his outstanding work. It has been a lot of years we have been working on this, but I think we can move forward.

I yield the floor, and I thank my colleague from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

GUANTANAMO

Mr. DURBIN. Madam President, over the course of the last several weeks, the minority leader—the Republican leader, Senator MCCONNELL—has come to the floor repeatedly to raise the issue of the closing of Guantanamo. Day after day after day he raised the question as to whether we should close the Guantanamo facility and, if we did close such facility, where these detainees would be sent and whether they could be securely incarcerated and detained. These questions were raised repeatedly, and little was said on this side of the aisle, in deference to the President, who was coming forward with his plan and dealing with this problem, and it was a problem he inherited.

When President Obama was sworn into office, he inherited about 240 Guantanamo detainees, some of whom had been held in Guantanamo for a lengthy period of time, some had been interrogated, many had been considered for trial or military tribunal, or even released, but President Obama inherited these 240 detainees. He made a statement in one of his first days in office as President that two things would happen under his administration: First, we would not engage in torture as a nation; and second, we would close Guantanamo.

After making that announcement, he made it clear he would have to come back with a specific set of proposals, which he did 2 weeks ago, in a historic speech at the National Archives. Until that speech was made, Senator MCCONNELL, and some other Republicans in support of his position, came to the floor and continued to question whether we could or should close Guantanamo. Today, earlier this afternoon, the assistant minority leader, Senator KYL of Arizona, came to the floor and

made remarks about my views on the issue as well as President Obama's views on closing the Guantanamo Bay detention facility.

It is true that I believe, as President Obama does, that closing Guantanamo is an important national security priority for America. But Senator KYL did not mention the others who support closing Guantanamo. It is not just the President and his former Illinois colleague Senator DURBIN who support the closing of Guantanamo. Many security and military leaders have said that closing Guantanamo will make America safer, and here are a few examples. Leading the list of those who agree with President Obama in closing Guantanamo, General Colin Powell, the former chairman of the Joint Chiefs of Staff and former Secretary of State under President George W. Bush; Republican Senators JOHN MCCAIN of Arizona and LINDSEY GRAHAM of South Carolina have both publicly stated they favor the closing of Guantanamo; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice, ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff, and GEN David Petraeus.

So for Senator KYL to come to the floor and suggest this notion of closing Guantanamo is not one shared by military and security leaders is not accurate. The list I have given you is not complete. Many others agree with the President's position. According to the experts, Guantanamo has been a recruiting tool for al-Qaida that is actually hurting America's security. In his remarks this afternoon, Senator KYL challenged the notion of closing Guantanamo, saying:

An idea that's been floated by the President, Senator Durbin, and others.

But Senator KYL didn't mention who these nameless "others" are who agree with the closing of Guantanamo or who agree it is a recruiting tool for terrorists. Let's take one for example: Chairman of the Joint Chiefs of Staff Mike Mullen said:

The concern I've had about Guantanamo is that it has been a recruiting symbol for those extremists and jihadists who would fight us. That's the heart of the concern for Guantanamo's continued existence.

That was a quote from the Chairman of the Joint Chiefs of Staff, ADM Mike Mullen.

Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Musab Al-Zarqawi, the leader of al-Qaida in Iraq. Here is what he said:

I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they had decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . . It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

Alberto Mora, former Navy General Counsel, testified to the Senate Armed