

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

Services Committee about Guantanamo. Here is what he said:

Serving U.S. flag-rank officers . . . 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.

So it is not accurate to suggest that President Obama and I dreamed up the notion that Guantanamo is a recruiting poster. It is our military who have told us that, based on their experiences fighting the war in Iraq and Afghanistan.

Senator KYL also claims that no one has been abused at Guantanamo. He said:

This idea that prisoners are treated badly is patently false. The insinuation directly or indirectly that torture has occurred at Guantanamo must stop.

That is Senator KYL's opinion. But others have a different view. The Senate Armed Services Committee issued a bipartisan report which reached a different conclusion. They found:

Secretary of Defense Donald Rumsfeld's authorization of aggressive interrogation techniques for use at Guantanamo Bay was a direct cause of detainee abuse there.

Let's take another example. Susan Crawford was the top Bush administration official dealing with military commissions at Guantanamo Bay. She was general counsel of the Army during the Reagan administration and Pentagon inspector general when Dick Cheney was the Defense Secretary. She is a lifelong Republican.

Susan Crawford reached the conclusion that Mohammad Al-Qahtani, the so-called 20th hijacker, could not be prosecuted for his role in the 9/11 attacks because he was tortured at Guantanamo Bay. Here is what she said:

We tortured Qahtani. . . . If we tolerate this and allow it, then how can we object when our servicemen and women, or others in the foreign service, are captured and subjected to the same techniques? How can we complain? Where is our moral authority to complain? Well, we may have lost it.

This is one reason that President Obama is closing Guantanamo and has put an end to the abusive interrogation techniques that were used at Guantanamo—because they put our troops at risk of being abused if they are captured.

Senator KYL also claimed that there is no connection between the abuse that took place at Abu Ghraib and Guantanamo Bay. That is Senator KYL's view.

But the Senate Armed Services Committee reached a different conclusion. Here is what they found:

The abuse of detainees at Abu Ghraib in late 2003 was not simply the result of a few soldiers acting on their own. Interrogation techniques such as stripping detainees of their clothes, placing them in stress positions, and using military working dogs to intimidate them appeared in Iraq only after they had been approved for use in Afghanistan and at GITMO.

Senator KYL said those of us who advocate closing Guantanamo should be

thankful for the service of our soldiers and sailors at Guantanamo rather than, quote, “slapping them in the face and insinuating they have done something wrong.”

Let me be very clear. I visited Guantanamo in 2006. I left with a feeling of great pride and admiration for the soldiers and sailors who are serving in Guantanamo. They are doing a great job, but they are being asked to carry a heavy burden created by the previous administration's policies. It is no favor to the men and women who serve there to have them continue their service if, in fact it is a recruiting tool for terrorists who are putting the lives of other servicemen and women of America at risk around the world.

President Obama is closing Guantanamo because it will make America, and our troops, safer. What is a slap in the face is to continue policies from the previous administration that recruit more terrorists and put our troops at greater risk of being abused if they are captured.

Senator KYL said there are “serious concerns about the safety of Americans” if Guantanamo is closed and detainees are transferred to the United States to be held in supermax prisons.

But Republican Senator LINDSEY GRAHAM, who is a military lawyer said:

I do believe we can handle 100 or 250 prisoners and protect our national security interests, because we had 450,000 German and Japanese prisoners in the United States. So, this idea that they cannot be housed somewhere safely, I disagree.

People who suggest that we cannot detain terrorists in our prisons should show more respect for the brave corrections officers who put their lives on the line every day to keep us safe.

Just the week before last I went to Marion Federal Prison in southern Illinois. It was once our maximum security prison in the United States before the supermax facility was opened at Florence, CO. It was interesting. As I met with the corrections officers in the lockup of the Marion Federal Prison, and after a little bit of a tour, I asked him: What do you think of this notion that we hear from Senators on the floor, such as Senator KYL and Senator MCCONNELL, that we cannot safely incarcerate Guantanamo detainees in the prisons of the United States?

The one corrections officer said to me: Senator, I am insulted by that comment. At this facility we are now incarcerating members of Colombian drug terrorist gangs. We have had serial murderers here. We have incarcerated John Gotti. We have incarcerated some of the most dangerous people convicted, brought into this country from overseas where they are posing a threat to America. In the United States, we brought them here. We know how to handle these prisoners. We are up to this task. We have proven it over and over again.

The very Senators who are questioning whether we can safely incarcerate our prisoners in our maximum

and supermax facilities should acknowledge one obvious fact: No one, literally no one, has ever escaped from a supermax facility in the United States. For those on the Republican side to argue that putting these prisoners from Guantanamo into a supermax facility endangers us in the community—it is not supported by history and experience.

Senator KYL said: “No one has ever escaped from Guantanamo.” That is true. But it is also true no prisoner has ever escaped from a Federal supermaximum security facility. I said before, and I will repeat because Senator KYL made reference to it, at the base of this argument made by Senator MCCONNELL and Senator KYL is fear—not just fear of extremists and terrorists and violence but fear that this great country of America cannot stand by the values which we have honored for generations and still be safe; fear that we can't stand for the constitutional principles we swear to uphold and still be safe; fear that we cannot trust Americans and our court system, the best in the world, to, in fact, try these prisoners and, if they are guilty, incarcerate them—fear that we cannot do that and be safe; fear that we cannot trust the men and women working at prisons around America, the supermax facilities, to safely incarcerate Guantanamo detainees.

That kind of fear, which is what we hear on a regular basis, the regular diet fed to us by the Republican Senators, is no basis for a sound American foreign policy. If we are going to have a policy which protects us abroad and at home, we should recognize threats for what they are, understand our strengths and our weaknesses, and be prepared. This idea of cowering in fear—which is what the Republican Senators offer us as a daily regimen from their speeches on the floor—is not what America has ever been about.

Just this last Saturday we celebrated the 65th anniversary of that miraculous invasion of D-day. I got on the phone and called one of my great friends in Springfield, IL, Joe Kelly. Joe Kelly came in on the seventh day after D-day with the Artillery, spent 18 months with the Army, and fought in the Battle of the Bulge. He is a great fellow. He talked about volunteering.

I want to tell you something. When Joe Kelly and his four brothers volunteered in Chicago to fight in World War II, it wasn't because they were afraid. They volunteered because they believed they could only keep this country safe by being prepared to stand up for it and fight. They did it and did it successfully.

That spirit, that patriotic spirit of D-day, of Joe Kelly and so many others, is what will keep America safe, and President Obama knows it. Senator MCCONNELL and Senator KYL can come to the Senate floor and express their fears over and over again, the latest fears that they have about the safety of this country, but they are not borne

out by the facts. I will stand by GEN Colin Powell and others, people I admire, who have given so many years of their lives in service to this country who agree with President Obama to close the Guantanamo facility, trust our supermax facilities to hold these detainees if that is necessary, and be aware of the fact that if we should ship these detainees to some other country to be tried or for some other purpose, there is a serious question as to whether they will treat them the way they should be treated for the safety of the United States.

For many years, incidentally, President George W. Bush said he wanted to close Guantanamo. There were not any complaints from the Republican side of the aisle then. President George W. Bush could not get the job done. President Obama has said he will try to finish that job.

I hope some of these who are critical of President Obama and his position will not make a political issue about Guantanamo. If President George W. Bush and President Obama agree it should be closed, it is pretty clear to me that at the highest level of our government there is a bipartisan consensus. Our colleagues on the other side of the aisle are criticizing President Obama when it comes to Guantanamo, but the fact is, they have no plan but to leave that facility open and continue to see it being used around the world against the United States and as a recruiting tool for terrorists.

I urge my Republican colleagues to join with GEN Colin Powell and join with those on their side of the aisle who understand that closing Guantanamo will make America safer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. I ask unanimous consent to proceed as in morning business and the time to count against closure.

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

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 1210 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAUFMAN. Madam 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. 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.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

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

COMMENCEMENT ADDRESS OF PRESIDENT BARACK OBAMA

Mr. BAYH. Madam President, on May 17, 2009, the President of the United States, the Honorable Barack Obama, delivered the commencement address at the University of Notre Dame, in South Bend, IN, the State I have the honor of representing in the U.S. Senate where I for a time served with then-Senator Obama.

Although I was not able myself to be present at this ceremony, my friend and former colleague, Dr. John Brademas, who for 22 years served as the U.S. Representative from the district centered in South Bend, was at Notre Dame for this occasion and has told me what a brilliant address President Obama offered.

Here I note that since 1981, John Brademas has been president or president emeritus of New York University where, as he did while a Member of Congress, he continues to give outstanding leadership to the field of education in our country.

President Obama was awarded the honorary degree of doctor of laws on this occasion by the Reverend John I. Jenkins, C.S.C., president of the University of Notre Dame, and was greeted as well by the Reverend Theodore M. Hesburgh, C.S.C., president emeritus of Notre Dame.

Because I believe my colleagues in Congress—and others—will be interested in reading President Obama's remarks at Notre Dame, I ask unanimous consent to have the address printed in the RECORD.

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

The PRESIDENT: Well, first of all, congratulations, Class of 2009. Congratulations to all the parents, the cousins, the aunts, the uncles—all the people who helped to bring you to the point that you are here today. Thank you so much to Father Jenkins for that extraordinary introduction, even though you said what I want to say much more elegantly. You are doing an extraordinary job as president of this extraordinary institution. Your continued and courageous—and contagious—commitment to honest, thoughtful dialogue is an inspiration to us all.

Good afternoon. To Father Hesburgh, to Notre Dame trustees, to faculty, to family: I am honored to be here today. And I am grateful to all of you for allowing me to be a part of your graduation.

And I also want to thank you for the honorary degree that I received. I know it has not been without controversy. I don't know if you're aware of this, but these honorary degrees are apparently pretty hard to come by. So far I'm only 1 for 2 as President. Father Hesburgh is 150 for 150. I guess that's better. So, Father Ted, after the ceremony, maybe you can give me some pointers to boost my average.

I also want to congratulate the Class of 2009 for all your accomplishments. And since this is Notre Dame—we're following Brennan's adage that we don't do things easily. We're not going to shy away from things that are uncomfortable sometimes.

Now, since this is Notre Dame I think we should talk not only about your accomplishments in the classroom, but also in the com-

petitive arena. No, don't worry, I'm not going to talk about that. We all know about this university's proud and storied football team, but I also hear that Notre Dame holds the largest outdoor 5-on-5 basketball tournament in the world—Bookstore Basketball.

Now this excites me. I want to congratulate the winners of this year's tournament, a team by the name of "Hallelujah Holla Back." Congratulations. Well done. Though I have to say, I am personally disappointed that the "Barack O'Ballers" did not pull it out this year. So next year, if you need a 6'2" forward with a decent jumper, you know where I live.

Every one of you should be proud of what you have achieved at this institution. One hundred and sixty-three classes of Notre Dame graduates have sat where you sit today. Some were here during years that simply rolled into the next without much notice or fanfare—periods of relative peace and prosperity that required little by way of sacrifice or struggle.

You, however, are not getting off that easy. You have a different deal. Your class has come of age at a moment of great consequence for our nation and for the world—a rare inflection point in history where the size and scope of the challenges before us require that we remake our world to renew its promise; that we align our deepest values and commitments to the demands of a new age. It's a privilege and a responsibility afforded to few generations—and a task that you're now called to fulfill.

This generation, your generation is the one that must find a path back to prosperity and decide how we respond to a global economy that left millions behind even before the most recent crisis hit—an economy where greed and short-term thinking were too often rewarded at the expense of fairness, and diligence, and an honest day's work.

Your generation must decide how to save God's creation from a changing climate that threatens to destroy it. Your generation must seek peace at a time when there are those who will stop at nothing to do us harm, and when weapons in the hands of a few can destroy the many. And we must find a way to reconcile our ever-shrinking world with its ever-growing diversity—diversity of thought, diversity of culture, and diversity of belief.

In short, we must find a way to live together as one human family.

And it's this last challenge that I'd like to talk about today, despite the fact that Father John stole all my best lines. For the major threats we face in the 21st century—whether it's global recession or violent extremism; the spread of nuclear weapons or pandemic disease—these things do not discriminate. They do not recognize borders. They do not see color. They do not target specific ethnic groups.

Moreover, no one person, or religion, or nation can meet these challenges alone. Our very survival has never required greater cooperation and greater understanding among all people from all places than at this moment in history.

Unfortunately, finding that common ground—recognizing that our fates are tied up, as Dr. King said, in a "single garment of destiny"—is not easy. And part of the problem, of course, lies in the imperfections of man—our selfishness, our pride, our stubbornness, our acquisitiveness, our insecurities, our egos; all the cruelties large and small that those of us in the Christian tradition understand to be rooted in original sin. We too often seek advantage over others. We cling to outworn prejudice and fear those who are unfamiliar. Too many of us view life only through the lens of immediate self-interest and crass materialism; in which the