

Senator BAUCUS, chairman of the Finance Committee, are meeting with Vice President BIDEN, and progress is being made.

There is no question we should be closing tax loopholes and targeting wasteful giveaways to oil companies. I am sure Vice President BIDEN is leading the Senators and House Members toward that end. Closing these tax loopholes and targeting wasteful giveaways to the oil companies making these record profits while charging—Madam President, here in the Washington, DC, area, as I do my morning exercise, I walk past a station right off the waterfront where gasoline is \$5 a gallon. I haven't looked at it since this past week, but that is what it is. It is over \$4 a gallon all over the United States, in many, many different places. We should be focusing on that instead of ending Medicare.

So I tell my friend, the ranking member of the Budget Committee, come and talk about the Republican plan to end Medicare as we know it. And what about the subsidies for these oil companies. Shouldn't we get rid of them? It is time the Republicans abandoned their ideological plan to end Medicare and work with us to strengthen and preserve our promise to seniors instead.

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.

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### WAR ON TERROR

Mr. MCCONNELL. Madam President, since the attacks on 9/11 and the very beginning of the war on terror in 2001, most Americans have understood that we could no longer kind of passively wait for the next enemy attack. In order to defeat, dismantle, and disrupt al-Qaida, our intelligence, military, and law enforcement officials would have to work together to defeat terrorist cells, whether they are in the tribal areas of Pakistan or, frankly, here in our own backyard. Yet, if some had begun to think, after the killing of Osama bin Laden, that we could now sit back and relax a little, the recent arrest in my State, in the hometown of my colleague, Senator PAUL, of two foreign fighters who have openly admitted to conducting attacks against U.S. soldiers and marines in Iraq shows how mistaken a notion that is.

Let's look at that again. Here are two Iraqi terrorists arrested in Bowling

Green, KY, within the last couple of weeks. And the Director of Central Intelligence stated in an open hearing on Capitol Hill last week that about 1,000 members of al-Qaida in Iraq continue to fight us over in Iraq. Now we know that at least two of them—at least two of them—have left the battlefield over there to live right here in the United States.

The case of Waad Ramadan Alwan and Mohanad Shareef Hammadi shows us that terrorists continue to pose an imminent threat. We owe a debt of gratitude to the men and women who made sure they couldn't inflict more harm on Americans here or abroad once they arrived here. Anyone who has read about the investigation into their activities can only be impressed with the courage, the skill, and the professionalism of those who were involved in this effort.

Specifically, I wish to thank the men and women from the FBI's Louisville Division, the U.S. Attorney's Office for the Western District of Kentucky, the Louisville Joint Terrorism Task Force, and the Justice Department's National Security Division. Every one of those folks involved clearly did their job, and they did it very well.

That having been said, I think it is safe to say that a lot of Kentuckians, including me, would like to know why two men who either killed or plotted to kill U.S. soldiers and marines over in Iraq aren't sitting in a jail cell in Guantanamo right now. When it comes to enemy combatants, our top priority, as I have said repeatedly, should be to capture, detain, and interrogate. That wasn't done here. These men are foreign fighters—unlawful enemy combatants—who should be treated as such.

Alwan is on tape admitting to having procured explosives and missiles in Iraq and to using them daily—daily—to conduct strikes.

He said he had personally used improvised explosive devices, or IEDs, hundreds of times over a period of several years. He has talked about using them against U.S. troops and the damage he has done to U.S. military vehicles such as Humvees. He told undercover agents he was "very good with a sniper rifle end." In a reference to attacks on U.S. troops, he said his lunch and dinner would be "an American." He admitted that he "collected everything," TNT, electronic detonators, tank explosive detonators, IED detonators, mortar shells, and rocket-propelled grenades. He also said that he often placed IEDs after the curfew, and it was this activity that led to his being asked to join the mujahedin.

He even tried to demonstrate his expertise as a foreign fighter by drawing diagrams of four types of IEDs, explaining how to build them and discussing various occasions in which he used these devices against U.S. troops in Iraq. In describing one particular type of IED, Alwan said, "Anything lethal could be stuffed into it, such as ball bearings, nails, gravel, and what-

ever item that kills." Alwan's fingerprints have also allegedly been found on IEDs over in Iraq in an area in which he is known to have lived.

Once Alwan made his way to the United States, he is alleged to have recruited Hammadi to continue his fight against Americans over in Iraq by burrowing himself into a community where he thought he would go undetected. Like Alwan, Hammadi was an experienced insurgent fighter in Iraq. He too had participated in IED attacks and was part of an insurgent group that had 11 surface-to-air missiles.

Together, these two men organized shipments of money and weapons, including rocket grenade launchers, Stinger missiles, and C4 explosives that they thought they were sending back to the war zone in Iraq.

Anyone who has taken up arms against U.S. forces in the field of battle is an enemy combatant, pure and simple, and should be treated like one. They should be hunted and captured, detained and interrogated, and tried away from civilian populations according to the laws of war.

Unfortunately, since the earliest days of this administration when the President signed a series of Executive orders which directed the closing of the military detention facility at Guantanamo Bay, and limited the ability of the military and intelligence community to detain and interrogate prisoners, a higher priority has been placed upon prosecution than on executing the war on terror.

But I can say with certainty that Kentuckians don't want foreign fighters who have bragged about killing and maiming U.S. soldiers in a combat theater treated like common criminals in their own backyards. They don't want foreign fighters to be afforded all of the legal rights and privileges of U.S. citizens. They don't want foreign fighters to have their interrogations curtailed. And they don't want their fellow citizens in Kentucky subjected to the risk of reprisal that is associated with these kinds of cases, reprisals against civilian judges, reprisals against civilian jurors, and the broader community in which civilian trials are held. That was one of the many reasons that residents and lawmakers in New York City rebelled against the administration's equally foolhardy plan to try Khalid Sheikh Mohammed in a courtroom in New York. That is to say nothing of the security costs and the disruption that civilian trials for terrorists create for any American community. We have firsthand experience of this from the 2006 murder trial of Zacarias Moussaoui in Alexandria, VA.

Despite all of this, however, the administration seems fixated on the idea that once we have caught terrorists, the goal isn't to get as much intelligence out of them as quickly as possible to prevent further attacks on soldiers and citizens but to prove that we can treat them the same way we treat everybody else.

My response to that is, maybe we could. Maybe we can do that. And you can put them in a U.S. court, but why in the world would you want to? You could, but should you?

The administration likes to tout its confidence in the U.S. legal system. Well, I don't believe the American people need to try any enemy combatants in our own hometowns and cities to prove that our court system works. We know it works. We are American citizens.

Prosecution is certainly important. But let's be clear, prosecution is not our ultimate goal in this war. Our goal is to capture or kill those who want to kill us, here and abroad, and who are plotting even now, as this case clearly proves, to wreak havoc on our troops overseas.

This is quite simple: Those whom we capture should be interrogated and, if necessary, indefinitely detained and tried in a military setting. Through these interrogations additional intelligence can be derived that leads to additional targets, thereby weakening al Qaeda and other associated terror groups at a moment when they are vulnerable.

The good news is we already have the perfect solution for a case such as the one I have been discussing in Kentucky. These men don't belong in a courtroom in Kentucky. They belong in a secured detention facility at Guantanamo Bay, Cuba, far away from U.S. civilians. Sending them to Gitmo is the only way to ensure they will not enjoy all the rights and privileges of U.S. citizens. Sending them to Gitmo is the only way we can be certain there won't be retaliatory attacks in Kentucky. How would you like to be the judge in this case? How would you like to be the jurors in this case? Do they run the risk of being targets for the rest of their lives? Are they in sort of witness protection programs indefinitely? Why should we subject U.S. citizens to this kind of risk?

Sending them to Gitmo is the only way we can prevent Kentuckians from having to cover the cost and having to deal with the disturbance and disruptions that would come with a civilian trial, and sending them to Gitmo is the best way to ensure they get what they deserve.

Today I am calling on the administration to change course. Get these men out of Kentucky. Send them to Guantanamo where they belong. Get these terrorists out of the civilian system, get them out of our backyards, and give them the justice they deserve.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

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

Senate will be in a period of morning business until 11 a.m. for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the two leaders and their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from California.

#### ETHANOL

Mrs. FEINSTEIN. Madam President, I rise today in support of the Ethanol Subsidy and Tariff Repeal Act, which Senator COBURN has offered and I have cosponsored, along with Senators BURR, CARDIN, COLLINS, CORKER, LIEBERMAN, RISCH, SHAHEEN, TOOMEY, and WEBB.

I know the fact that this amendment is on the floor scheduled to be voted on at 2:15 this afternoon has caused some deep consternation on my side of the aisle. There is objection to the procedures used. I am not going to get into that. I am going to say a vote is a vote, and we are facing a vote at 2:15 unless something changes.

To be candid, if there were an offer to bring this to the floor next week or the week after for a time specific and a commitment specific, I believe the author and myself and our cosponsors would certainly agree to that. But in the absence of that offer, it is important that the Senate take a position on a program that has become both gross and egregious, and I want to explain why I feel that way.

No other product I know of has the triple crown of government support that corn ethanol enjoys in this country. Its use is mandated by law. Oil companies are paid by the Federal Government to use it, so there is a subsidy, and corn ethanol is protected by a rather high tariff. Consequently, it has been very profitable for farmers. This amounts to almost \$6 billion a year of taxpayers' money that goes to support the corn ethanol industry in this country.

Put another way, that is \$15 million each and every day spent on this subsidy at a time when, candidly, we simply can't afford it.

They say there are very few privileges left out there. This is one that is enormous, and I think we have to take a look at it. I think if this amendment passes, nearly \$3 billion is saved between July 1 and the end of the year. That is not insignificant. It goes into the general fund and it helps abate the deficit.

Since 2005, we have spent \$22.6 billion on this subsidy, and it gets more expensive every year. In 2011, the government will spend \$5.7 billion; in 2012, \$5.9 billion; in 2013, \$6.2 billion. And you can see, since the program came into being in 2005—and I voted against it then—it was at \$1.5 billion; the next year, \$2.6 billion; the next year, \$3.3 billion; the next year \$4.4 billion, the next year, \$5.2 billion; and 2010, \$5.7 bil-

lion of a trifecta of triple-crown subsidies to go to recompense people for using corn ethanol. It is wrong.

On top of this subsidy, we have imposed a 54-cent-per-gallon tariff on ethanol products from Brazil, India, and Australia and others that could import it more cheaply than it is grown here. This then contributes to making the United States more dependent on oil imports from OPEC.

Our amendment is simple. Beginning July 1, we would repeal the 45-cent-per-gallon ethanol subsidy, which goes overwhelmingly to large oil companies, and it would eliminate the 54-cent-per-gallon tariff on imported ethanol.

I believe very strongly that we need to act to repeal these subsidies and these tariffs before another \$2.7 billion in taxpayer money, which is \$15 million a day, is wasted over the remaining 6 months of this year.

Let me describe the real-world impact of these unwise subsidies and tariffs to our economy.

Last week, I was in the Central Valley at an event and I would say anywhere from six to eight farmers came up to me and said, "Thank you for trying to end the ethanol business. I can no longer afford feed." I began to think, and so we took a look at what the situation is. The fact is this ethanol policy is inflating the price of corn and impacting other sectors of the economy.

Today, approximately 39 percent of our corn crop is now used to produce ethanol in this country. Here is where it has gone: The percent of corn for 2000, 7 percent; 2005, 14 percent; and 2010, 39 percent of the entire corn crop goes to produce ethanol. Corn futures reached a record \$7.99 a bushel on the Chicago Board of Trade last week. Prices are up 140 percent in the past 12 months and continue to rise. In 2006, prices were \$2 a bushel. Today they are \$7.99 a bushel.

This has been a real spike in the price of feed. If it continues one can expect major price increases in grain and food as well. The average price of corn has risen 225 percent since 2006.

Here it is, here it goes on this chart. It goes down slightly and then it has gone up.

In California, the annual feed costs for Foster Farms—this is the largest poultry producer on the west coast—has tripled over the past year, increasing Foster Farms' cost for feed by more than \$2 million. This is more than the largest profit the company has ever made.

I hear similar stories from small producers, from co-ops, from dairymen and cattlemen throughout California. The price of feed is rising to such an extent that experts are predicting a mass slaughter of hogs and dairy cows this summer. In other words, it is becoming cheaper to slaughter the animals rather than to feed them. That is wrong.

Paul Cameron of Imperial County, CA, recently wrote to me:

As a cattle producer who has never asked for a subsidy of any kind, I only ask that