

That is a European court defining waiting on death row as being unacceptable. A European court has further said being in a cell with limited natural light is "degrading," and that having little activities to occupy a prisoner is "degrading."

Now, the U.S. Congress should not sit on its hands and let some foreign judge—some foreign judge—define the meaning of Common article 3 in a way that most Americans would object to and which would put our troops at risk. That is why I support the President's position on using the Detainee Treatment Act—Senator MCCAIN's act that we just adopted last year by a vote of 90 to 9 in the Senate—as the standard, use the McCain Detainee Treatment Act as the standard for defining Common article 3.

The DTA prohibits "cruel, inhuman, or degrading" treatment as defined by established standards of U.S. law. That is Senator MCCAIN's bill, which we adopted last year, defining what is appropriate treatment of detainees.

So these will be the issues we will have to argue and discuss in the full Senate with all 100 Members participating. We have not heard from a whole lot of our colleagues on the other side of the aisle yet, and I know they are going to want to participate in this debate and share their views about whether these standards should be determined by the U.S. Congress or by European courts.

What we do know for sure, without question—no ambiguity—is that the current program works and has saved us from terrorist attacks and prevented us from being attacked again at home for over 5 years. The President needs tools to conduct these programs effectively to protect Americans at home. His proposal for terrorist detainees is one of those important tools. We do not all agree at this point about how to go about this, and that is why the Senate is a great deliberative body, and we will have that discussion on the Senate floor. But at some point we will come together and, hopefully, do it in a way where the interrogation of detainees can continue.

We know the Director of the CIA said yesterday that under the armed services bill, that program will have to be shut down. We know it has worked. We know it has saved lives. We need to solve this problem for the American people so they can continue to be protected at home, able to go about their daily lives in a manner they have become accustomed to over the years in this great, free society.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. REID. Thank you, Mr. President.

DETAINEES

Mr. REID. Mr. President, I think my friend, the distinguished majority

whip, is talking about things that really do not exist. We have now in the Senate a bipartisan agreement on how to approach the Hamdan decision, the detainee problem. We had all Democrats and four Republicans—far more than a majority in the committee—who voted yesterday to bring the matter to the floor that would solve this problem.

It is not a problem at this point that has been solved by the European courts. It has been solved by the U.S. Senate. We certainly know that the document that has come from the Armed Services Committee is imperfect, and we can always try to work to improve that. I think we should move forward on this issue. I think there is certainly nothing in the mind of the American people or the American public that what the President has suggested is final.

Certainly, he is not infallible, as indicated by Colin Powell—four-star general, general in the Army, Chairman of the Joint Chiefs of Staff, Secretary of State for a number of years. He says the President's approach is wrong. He is not talking about the European courts determining what we should do. He is saying that the approach of Senator MCCAIN and others is the proper way to go.

I would also say—without a long discussion—we have the same situation at this stage in the Senate dealing with domestic spying. We have a bipartisan solution to this issue. Members of the Judiciary Committee, on a bipartisan basis, voted to bring a bill to the Senate. Again, I am sure that bill is not perfect, but it certainly is a bipartisan solution to a problem that exists, one that is in compliance with the Constitution of the United States.

Mr. President, the Iraq war has been a diversion on the war on terror, and that seems pretty clear.

TAX EXTENDERS

Mr. REID. Mr. President, changing subjects just for a minute, prior to the August recess, Republicans attempted to win support for their attempt to repeal the estate tax by attaching that to a flawed minimum wage increase that was only meant for show and not to actually accomplish anything. And they also tied to it popular tax provisions, referred to as extenders.

Now, keep in mind the extenders were all agreed to by Democrats and Republicans. They had agreed to this, and the only thing that was not there was the signature, and that was to take place at 8 o'clock at night in the Capitol. When people came back to sign the conference report, word had come from the White House: Do away with this agreement. So that is why they came up with the so-called Trifecta: estate tax repeal, extenders, minimum wage.

Republicans were very clear regarding their strategy. Representative ZACH WAMP of Tennessee claimed that

Democrats had been "outfoxed." Well, of course, this bill did not pass because it was flawed. It was so unfair to the American people that you would do away with all these important tax provisions for the middle class in an effort to get a repeal of the estate tax that would affect the richest of the rich: 8,100 Americans.

The strategy of holding the extenders hostage to their estate tax giveaway put these important provisions in jeopardy of not getting enacted ever. As if to emphasize this point, Senator JUDD GREGG said—and I quote—"[i]f you don't kill the hostage, there's no threat." How about that.

Now, Senator BAUCUS yesterday—on more than one occasion—requested unanimous consent to delink the extenders, which have broad bipartisan support, from the Republicans' ill-fated attempt to repeal the estate tax for a small number of the wealthiest families in America.

American families and businesses are paying the price for this Republican do-nothing Congress's failure to extend these tax breaks. Millions of families and individuals are facing higher taxes today as a result of this failure.

Mr. President, this is just not HARRY REID, a Democrat, speaking. Look what was said yesterday by the chairman of the Finance Committee, a Republican, CHARLES GRASSLEY of Iowa:

A delay of legislative beyond the anticipated recess date of September 29, 2006, will cause hardship, tax compliance problems and confusion for the millions of taxpayers who claim these widely applicable tax benefits.

According to a memo from Senator GRASSLEY's office, after consulting with IRS officials, the IRS contracts with several printers to produce 1040 and 1040A income tax return forms are in jeopardy. It also said that IRS must finalize the information it is to submit to these printers by October 15 in order to ensure forms will be printed in time and be distributed to taxpayers at the beginning of 2007; that if Congress has not passed extenders legislation by that time, the forms will omit lines instructing taxpayers to compute State and local sales tax, college tuition, or out-of-pocket classroom expenses into their tax liability.

American families and businesses are paying the price because of this do-nothing Congress. They refuse to extend important tax breaks. Families who recently took their sons and daughters to college now wonder whether the tuition deduction Republicans allowed to expire last year will get reinstated.

What are these tax extenders? The State and local sales tax deduction. In States all over the country which have an income tax, they are allowed to deduct that from their Federal income tax. Now that the Republicans failed to act in States where individuals pay sales tax, they are not able to do this.

The tuition deduction is another one which allows parents and students to deduct all tuition and related expenses

from their taxable income. It benefits 3.6 million taxpayers nationwide and 26,000 in Nevada.

The teacher classroom expenses provision gives teachers above-the-line deduction of as much as \$250. Mr. President, 8,100 people are seeking to benefit from the repeal of the estate tax, which is millions and millions of dollars. So why should we be concerned about some schoolteacher for \$250? Because \$250 is what teachers pay out of their own pockets to get supplies for the classroom that school districts don't pay for. They can deduct as much as \$250 for personal funds spent by them to buy classroom supplies. This benefits 3.3 million teachers nationwide and about 22,000 teachers in Nevada.

There are many other items that are important in these extenders.

America needs a new direction, one that puts the interests of the hard-working families ahead of special interests. How can we be working on the Oman Free Trade Agreement and let this go? I don't understand this. The priorities are upside down. We need a new direction, and we are not getting any direction from the administration or certainly from the Republican-dominated Congress.

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

MORNING BUSINESS

DO-NOTHING CONGRESS

Mr. DURBIN. Mr. President, I thank my colleague and friend from Nevada, Senator REID, for that statement because here on the closing day of this week's session, as we wrap up the second week of 4 weeks, it really is a time to reflect on what little time is left in this session, and when Senator REID refers repeatedly to a do-nothing Congress, it is understandable. Two weeks down and 2 weeks to go before the election and no budget.

This so-called fiscally conservative leadership in the Senate cannot produce a budget on how we are going to spend our money this year. They cannot produce a budget and, if I am not mistaken, I say to the Democratic leader, I don't believe a single appropriations bill has been signed into law at this point.

Mr. REID. That is right.

Mr. DURBIN. Here we are days away from the end of this fiscal year, and we have recorded in the last 6 years, under the Bush administration and the Republican-led Congress, the worst deficits in the history of the United States. We have an administration which inherited a surplus from the Clinton administration—several years of surplus and paying down the debt of America and strengthening Social Security—and they squandered it, wasted it. They turned their backs on it and allowed us to sink deeper and deeper into debt—a debt we ultimately will have to pay, a debt which, sadly, is being financed by foreign countries such as Japan, China,

Korea, and the OPEC nations. They are the mortgage holders of America's mortgage.

Who will pay off this mortgage? The young people of America, our children and grandchildren—as this Congress heaps debt upon debt, as this President has the dubious distinction of being the first President in the history of the United States of America to call for a tax cut during a war. The reason no other President has done it is because it doesn't make sense. You have the ordinary expenses of Government that are increased because of the war you must fight, and this President then says: Let's cut taxes while we are at it, digging a deeper hole for America's economy and America's future.

So there is no budget, not one appropriations bill signed by the President, no increase in the minimum wage—9 years now. For 9 years, this Republican President and Congress have refused to increase the basic wage for some of the hardest working people in America. It is \$5.15 an hour. That is what it has been. It has been 9 years since we have increased it.

Think about each of our own personal experiences, how the expenses of life have gone up in that period of time, and then put yourself in the shoes of a single mother I met in Rockford, who went through a brutal divorce. She luckily has custody of the children away from a father who mistreated them badly. She has them in her tiny house, and she has a minimum wage job. She has three kids, this mom, and she makes minimum wage. How does she make it? She goes to the local church, where they have a food pantry. She tries to get help from charities in the area. She looks for used clothing. She is trying to keep her family together. What kind of helping hand has this Congress given to her? None. For 9 years, we have said to her: Sorry, next year's salary will be the same as last year's.

I hope the cost of utilities doesn't go up or the cost of food or the cost of rent. Yet we know they continue to go up. So for 9 years, this Congress has failed to increase the minimum wage, and they are about to wrap up another session with that dubious distinction.

There is a footnote to this story worth noting. In that same 9-year period of time, Congress has voted itself a \$31,000 annual increase in salary. The Democratic caucus of the Senate has said that is the end of that story. There will be no increases in congressional pay until the minimum wage is increased. No excuses. Maybe that will focus the attention of our colleagues on a lot of people who are not as fortunate as those of us who serve here.

We have had no change in the ethics rules despite the scandals of the latest Congress, despite the resignation of the Republican leader in the House who is under indictment and investigation, despite the reports that other Members of Congress are going to plead guilty or are facing prosecution. Despite all of

this, there are no basic changes in the ethics rules that guide us here.

There is no effort to take a look at the way we finance political campaigns, which I think is at the root of this whole conversation. Unless and until we reach a point that we take the millions of dollars out of political campaigns and bring it back to a point where the average person can seriously consider running for office, until we do that, sadly, all of us who are mere mortals and not millionaires will be spending a lot of time with special interests and wealthy people that we should be spending with the folks we represent and those who don't have well-paid lobbyists roaming the halls of the Capitol.

There is no energy policy for America after the runup in gasoline prices that crippled family budgets, hurt businesses, and hurt farmers. Now the gas prices are starting to come down, and we can breathe a sigh of relief. Yet we know in the back of our minds that they can turn it on a dime and run the prices back up to over \$3 a gallon again. Why? We have no energy policy.

A President and Vice President from the oil patch have really avoided the obvious. We need to find a way to lessen our dependence upon oil, and particularly on imported oil. That means moving toward alternative energy sources. That means more fuel efficiency in our vehicles. For 3 of the last 4 years, I offered an increase in the CAFE standards so that the cars and trucks we drive in America are more fuel efficient, and I have lost every time, not only because of opposition from the other side but some within my own ranks. I think there is now a change, an awakening that we have to do something about this situation.

Of course, in this Congress, what have we done to increase the availability and affordability of health insurance and health care? Nothing. In fact, we have made it more difficult for the average family. We have decreased the benefits under Medicare and Medicaid, although we created the prescription Part D Program, which is, of course, a windfall for pharmaceutical companies. We didn't give the consumers of America the break they deserved. We have to find a way to make sure that Medicare Part D is affordable. To do that, Medicare should be able to bargain for lower drug prices.

My friend, Senator DORGAN from North Dakota, is in the Chamber. He has been working on this issue for a long time, the issue of drug importation from Canada and other places. I salute him for his success in bringing the issue forward. I share his frustration that we cannot seem to get the Republican leadership, which has promised time and again an opportunity for a vote, to actually have that vote and to change the law so that a lot of seniors and others across America can get affordable prescription drugs.

There is no effort here to make sure people who are vulnerable don't have