

to attack the United States as they did on 9/11 and kill our people. This is an unpleasant task. When confronted on the battlefield, in Iraq, in Afghanistan, we shoot them and we kill them and we drop bombs on them and we kill them because these are life-and-death matters that Congress has authorized. I wish that were not necessary. I know it is a failure of us in some form or fashion. But as a practical person, we know no other alternative than to defend ourselves. We are required to do that.

I was reading an article from the Mr. R. Emmett Tyrrell, Jr., in the Washington Times today. He talks about what Admiral McConnell, the Director of National Intelligence, said a few days ago in hearings. Director McConnell said:

The number of terrorist attacks and deaths were greater than in the past six years combined.

He was talking about the battle for Pakistan and its survival.

The article states:

Another [statement] from Mr. MCCONNELL . . . is that al Qaeda plans more attacks against the United States and was working on a plan for attacking the White House as recently as 2006. Homegrown al Qaeda cells here have been primitive, but Mr. MCCONNELL registered his concern that new, more sophisticated cells might threaten us domestically in the years ahead.

And that is a fair summary, I think, of Admiral McConnell's comments.

Since we have now openly talked about the waterboarding question, and Members of Congress and the public have now gotten the information, I think we need to make sure we know exactly how those three occurrences developed.

The first thing we know is it worked. I hate to say, it worked. No. 2, the Agency—only the CIA used waterboarding; never the U.S. military, never the Department of Defense; not in Iraq, not in Afghanistan—it was never utilized by our military, but the Central Intelligence Agency on three occasions since September 11.

As the article says, they utilized it only on those:

[T]error leaders who have posed the utmost threat to our [national] security, Abd al-Rahim al-Nashiri, [who was the] mastermind of [the] attack on our warship the USS *Cole* in a neutral port.

We had hearings in the Armed Services Committee, of which I am a member, about that dastardly attack. And I remember about a year after the *Cole* was attacked—where we had 18 American sailors killed by this vicious attack; and it could have been a lot more—the Navy commissioned a ship down at Norfolk, VA; and as we walked out of the ceremony, a young sailor hollered out—and it still makes my hair stand up—“Remember the *Cole*.”

Well, we got the perpetrator, and justice was done.

Abu Zubaydah, [who was] the brains behind the thwarted millennium attacks—

That we were able to block—

and Khalid Sheikh Mohammed, who directed September 11. . . .

The attacks on September 11. KSM, that is his name now for the professionals, Khalid Sheikh Mohammed.

So I believe the Attorney General of the United States, after researching this matter carefully, and after our intelligence agencies gave it thoughtful review, concluded we do not need to have waterboarding now, that these three instances were justified.

Attorney General Mukasey, a former Federal judge—approved overwhelmingly by the Senate—was asked to make an opinion on waterboarding. He said he believed those actions were justified under those circumstances, and he would not say we would never ever do it again in the future. He said circumstances would determine how you handle those kinds of situations.

Let me note, again, for a lot of people, these are not honest and legitimate soldiers of a nation state. The people who are subjected to this procedure are persons who are unlawful combatants. They are persons who do not fight according to the rules of war, and they do not wear uniforms. They deliberately attack civilian personnel. They do it through subterfuge and violence, and their goals are outside all rules of warfare. Until some recent cases, they were clearly considered not to be provided any protections under the Geneva Conventions.

So I will say, Madam President, we hate to talk about these things. We wish we did not face the kind of threats from the diabolical terrorists that we do. We wish we did not have to go to war and shoot and kill many of them. But we, as a nation—the Congress; both parties—have authorized that activity. We fund that activity. Our soldiers are out there putting their lives on the line at this very moment to execute that policy, placing themselves in harm's way.

I am glad the Attorney General has reviewed it carefully. I am glad he is able to say waterboarding was utilized only three times, that it had not been used in 5 years. But I am glad he also said he would not say it would never be done again. This would be unwise advice to the enemy we face.

I thank the Chair and yield the floor.

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

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

CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk pursuant to the order relative to S. 2248.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The bill 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, do hereby move to bring to a close debate on S. 2248, the FISA bill.

Harry Reid, Charles E. Schumer, Sherrod Brown, Daniel K. Akaka, Jeff Bingaman, Thomas R. Carper, Ken Salazar, Sheldon Whitehouse, John D. Rockefeller IV, Richard Durbin, Bill Nelson, Debbie Stabenow, Robert P. Casey, Jr., E. Benjamin Nelson, Evan Bayh, Daniel K. Inouye.

Mr. REID. Madam President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur upon disposition of the remaining amendments pursuant to the previous order and that the mandatory quorum be waived.

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 for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

ADDITIONAL STATEMENTS

ALABAMA BLUE RIBBON SCHOOLS

● Mr. SESSIONS. Madam President, I would like for my colleagues to join me in congratulating Forest Avenue Academic Magnet Elementary School in Montgomery, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. I recently met with principal Jan Hill and teachers Jennifer Rodopoulos and Gina Thomase from Forest Avenue, and I thoroughly enjoyed the opportunity to talk with them about education and this great achievement. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal Jan Hill and the many other hard-working faculty and staff have done to receive this high honor. I know that the lives of students at these schools are being changed.

Madam President, I would like for my colleagues to join me in congratulating K.J. Clark School of Mathematics, Science, and Technology in Mobile, AL, which has been named a No Child Left Behind Blue Ribbon School of 2007. Blue Ribbon Schools are selected because they are showing dramatic achievement gains in working with students from disadvantaged backgrounds or they are in the top 10 percent of their State on State tests. This is a remarkable accomplishment, and I applaud the hard work principal Dianne McWain and the many hard-working faculty and staff members have done to receive this high honor. I know that the lives of students at these schools are being changed.