

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

Rockefeller	Snowe	Voinovich
Salazar	Specter	Warner
Sanders	Stabenow	Webb
Schumer	Stevens	Whitehouse
Sessions	Sununu	Wicker
Shelby	Tester	Wyden
Smith	Thune	

NAYS—4

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008—CONFERENCE REPORT—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

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 the conference report to accompany H.R. 2082, Intelligence Authorization Act.

John D. Rockefeller IV, Dianne Feinstein, Kent Conrad, E. Benjamin Nelson, Russell D. Feingold, Barbara A. Mikulski, Ron Wyden, Ken Salazar, Mark Pryor, Patty Murray, Benjamin L. Cardin, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Harry Reid, Carl Levin, Bill Nelson.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2082, the Intelligence Authorization 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 New York (Mrs. CLINTON), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

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

The result was announced—yeas 92, nays 4, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—92

Akaka	Corker	Kerry
Alexander	Cornyn	Klobuchar
Allard	Craig	Kohl
Barrasso	Crapo	Kyl
Baucus	Dodd	Landrieu
Bayh	Dole	Lautenberg
Bennett	Domemici	Leahy
Biden	Dorgan	Levin
Bingaman	Durbin	Lieberman
Bond	Ensign	Lincoln
Boxer	Enzi	Lugar
Brown	Feingold	Martinez
Brownback	Feinstein	McCain
Bunning	Grassley	McConnell
Byrd	Gregg	Menendez
Cantwell	Hagel	Mikulski
Cardin	Harkin	Murkowski
Carper	Hatch	Murray
Casey	Hutchison	Nelson (FL)
Coburn	Inhofe	Nelson (NE)
Cochran	Inouye	Pryor
Coleman	Isakson	Reed
Collins	Johnson	Reid
Conrad	Kennedy	Roberts

Burr
Chambliss

DeMint
Vitter

NOT VOTING—4

Clinton
Graham

McCaskill
Obama

The motion was agreed to.

The PRESIDING OFFICER. On this vote, the yeas are 92, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. Mr. 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, while we are waiting here for some of the determination of a time agreement with regards to the consideration of the conference report, I want to go ahead and lend my support and acknowledge to the rest of the Senate that this is a bill that is very necessary to pass. Because, what this bill does, by authorizing the activities of the intelligence community, it continues to make the oversight function of the Congress—in particular, the Senate and the House Intelligence Committees—poignant and relevant to a community that is not accustomed to having oversight.

Our committee leadership, chairman and vice chairman, Senators Rockefeller and Bond, as we say in the South, they have cracked the whip with the intelligence community to get them to realize that this is a constitutional government of shared powers; that the executive branch doesn't just run the show—particularly on something as sensitive as the collection of intelligence. Rather, it needs to be done within the law, and one of the ways of ensuring that is through the sharing of powers between two different branches of Government who have checks and balances upon each other. We in the legislative branch oversee the activities of the executive branch—in this case, all of the intelligence community and their activities, which are absolutely essential to the protection of our country. This conference report is a very important bipartisan document, which increases the accountability in the intelligence community, and it authorizes dozens of critical intelligence programs to keep us safe every day.

The conference report includes a new, strong inspector general in the Office of the Director of National Intelligence. Inspectors general are increas-

ingly important in the intelligence community, where billions of dollars are spent outside of public view. Our committee, as well as the American public, has to rely on the inspector general as an important part of the oversight of the intelligence community.

As we look back, several years ago, we completely reorganized the intelligence community. A Director of National Intelligence was set up to integrate the disparate elements of the intelligence community. But there is a lot more that needs to be done, and a strong inspector general at the DNI is another step in the right direction.

The conference report also includes a provision that makes the Director of the NRO—the National Reconnaissance Office—and the NSA—the National Security Agency—subject to Senate confirmation. Now, why is that important? That is important because, again, it is part of the checks and balances of the separate branches of Government. Both of these agencies, outside of the public view because of the top-secret nature of this work, oversee large programs that cost vast amounts of money, and not every program has been a success. So by having the confirmations of the Directors of the NRO and the NSA come to the Senate, it improves that accountability and responsiveness to the legislative branch of Government.

The authorization bill also requires an assessment of the vulnerability of the intelligence community's major acquisition programs. We have to assess that the program is going to stay on track and that it is not going off the rails with regard to cost. We are talking about billions of dollars on some of these programs. By keeping them on track, by knowing what to anticipate, it is much easier to plan ahead.

This bill also provides an annual reporting system which will help us keep in focus, curbing these cost overruns and these schedule delays. If you don't do that, things are going to get out of control. As the intelligence community continues to be more and more sophisticated because of the technical means it employs, it is more and more important that our oversight tools be in place and effective.

Now, that is enough alone to pass this bill, but we have an area of disagreement coming up. We are expecting the minority to offer a point of order that would remove a provision in the conference report. This provision requires the Army Field Manual to be used as the standard for interrogation methods. This Army Field Manual was released over a year ago. It specifically prohibits cruel, inhuman, and degrading treatment.

There are eight techniques in the Army Field Manual that are specifically prohibited from being used in conjunction with intelligence interrogations: forcing the detainee to be naked, perform sexual acts, or pose in a sexual manner; placing hoods or sacks over the head of a detainee; using