

The majority leader quotes White House Deputy National Security Adviser John Brennan from a recent speech he made at Harvard saying, "Our counterterrorism professionals would be compelled to hold all terrorists in military custody, casting aside our most effective and time-tested tool for bringing suspected terrorists to justice—our federal courts."

This statement is simply and completely untrue. It is a total mischaracterization of section 1032 of the bill.

The section of the bill dealing with military custody was extensively debated in committee and reflects the bipartisan compromise reached on all the detainee provisions. Section 1032 does not extend to all terrorists.

It applies, as Chairman LEVIN made clear in a public statement on Tuesday, only to members of al-Qaida and its affiliates, like al-Qaida in the Arabian Peninsula which launched the December 2009 attempt to bomb a civilian airliner over Detroit and which subsequently attempted an attack on the United States by using parcel bombs this time last year. And it only applies to members of al-Qaida and its affiliates who are captured in a very narrow set of circumstances: those captured attacking the United States or its coalition allies or attempting or planning such an attack.

This narrow focus is far from Mr. Brennan's claim that military custody would be required for all terrorists. That is simply wrong. It grossly distorts the scope of the provision.

The focus on al-Qaida and its affiliates was intentional. Al-Qaida is and has been for the last 10 years the focus of the Authorization for the Use of Military Force, AUMF, that Congress passed overwhelmingly after the attack on our country on September 11, 2001. We are at war with al-Qaida and its affiliates. The President has said so plainly.

In fact, it was just days ago that the Obama administration used the fact that we are at war with al-Qaida to kill an American citizen, Anwar al-Awlaki, in Yemen. That was a decision I fully support. Awlaki had become a leading operational planner for what administration officials now regard as the branch of al-Qaida that poses the most significant threat to the United States.

The inconsistency in Mr. Brennan's position and, to the extent he speaks for the White House, the administration's national security policy as a whole is that this administration asserts the right—correctly, in my view—to kill a member of al-Qaida or its affiliates through use of military force but would deny that the same individual should be held in military custody if captured. Instead, following Mr. Brennan's point of view, if we capture an al-Qaida terrorist in the very act of carrying out an attack on our homeland or U.S. interests elsewhere, we should revert to law enforcement methods and hold that al-Qaida ter-

rorist under civilian law enforcement standards.

By insisting that law enforcement custody rather than military custody should apply, the administration has to contend with the requirement to provide Miranda warnings to criminal suspects and the Federal rules that require presentment before a Federal magistrate within a short period of time after arrest, normally within 24 to 48 hours, for a criminal suspect to be informed of the charges against them and to be assigned a lawyer.

I would also note that the detainee provision that Mr. Brennan and the majority leader now complain of contains a national security waiver that can be exercised to transfer even members of al-Qaida or its affiliates into civilian law enforcement custody if that is warranted by the circumstances and deemed the appropriate course of action.

I strongly believe the language adopted by the Senate Armed Services Committee is reasonable, fair, and most importantly constitutional. However, as I just stated, I will work with Chairman LEVIN and the administration to remedy any deficiencies in the language. However, I believe the administration must now present to the Senate and the Armed Services Committee its specific concerns. Absent this, I would hope the majority leader would move to this important legislation and let the Senate implement its prescribed duties.

I look forward to hearing from the majority leader and the administration so that the Senate may move forward on this vital and important legislation.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

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

U.S. SENATE,

Washington, DC, October 4, 2011.

Hon. CARL LEVIN,
Chairman, Senate Armed Services Committee,
Washington, DC.

Hon. JOHN MCCAIN,
Ranking Member, Senate Armed Services Committee,
Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: I am writing to follow up on our conversations regarding the detainee provisions (Sections 1031–1036) included in the Armed Services Committee's reported version of the Fiscal Year 2012 National Defense Authorization Act.

As a whole, I strongly support the legislation your Committee has reported. Despite the widely varying views of the members on your committee on many critical issues, you have worked together to craft a bipartisan bill that once again will ensure strong and sustained support for the men and women that sacrifice so much in defense of our nation.

However, as you know, I do not intend to bring this bill to the floor until concerns regarding the bill's detainee provisions are resolved. The Obama Administration and several of our Senate colleagues have expressed serious concerns about the implications of the detainee provisions included in the legislation, particularly the authorization of in-

definite detention in Section 1031, the requirement for mandatory military custody of terrorism suspects in Section 1032, and the stringent restrictions on transfer of detainees in Section 1033. As Deputy National Security Advisor John Brennan stated in a recent speech:

[S]ome—including some legislative proposals in Congress—are demanding that we pursue a radically different strategy. Under that approach, we would never be able to turn the page on Guantanamo. Our counterterrorism professionals would be compelled to hold all captured terrorists in military custody, casting aside our most effective and time-tested tool for bringing suspected terrorists to justice—our federal courts. . . . In sum, this approach would impose unprecedented restrictions on the ability of experienced professionals to combat terrorism, injecting legal and operational uncertainty into what is already enormously complicated work.

I share the concerns about these provisions. I strongly believe that we must maintain the capability and flexibility to effectively apply the full range of tools at our disposal to combat terrorism. This includes the use of our criminal justice system, which has accumulated an impressive record of success in bringing terrorists to justice. Limitations on that flexibility, or on the availability of critical counterterrorism tools, would significantly threaten our national security.

I have no doubt that you share my commitment to maintaining an effective counterterrorism policy, and you have a strong record demonstrating that commitment. As important as the broader bill is to sustaining the strength of our Armed Forces, I hope we will be able to resolve these concerns quickly so that the legislation can be passed expeditiously. To that end, I want to make my staff available to work with your staff on possible solutions to these concerns.

Thank you for your outstanding leadership on the Armed Services Committee. I look forward to working with you on this issue, and on maintaining the strength and superiority of our national defense.

Sincerely,

HARRY REID.

FOREIGN AID FUNDING

Mr. LEAHY. Mr. President, as chairman of the Appropriations Subcommittee on the Department of State and Foreign Operations, I have strongly supported funding to protect U.S. interests around the world.

I am also fortunate to have Senator LINDSEY GRAHAM as a ranking member, who, like Senators Judd Gregg and MITCH MCCONNELL before him, is a strong supporter of these programs. We recognize, as does the Pentagon, that military power alone is not sufficient to protect our security. In fact, sending Americans into harm's way should be an absolute last resort. We also need to invest in international diplomacy and development.

Foreign aid today is an oft-maligned term that is widely misunderstood. It is viewed by many as a form of charity or a luxury we can do without, or as a sizable part of the Federal budget. It is none of those things.

This is not a Democrat or Republican issue. It is about whether the United States is going to remain the global leader it has been since World War Two. Three weeks ago, President George W. Bush said:

One of the lessons of September 11th . . . is that what happens overseas matters here at home. We face an enemy that can only recruit when they find hopeless people, and there is nothing more hopeless to a child who loses a mom or dad to AIDS to watch the wealthy nations of the world sit back and do nothing.

Former Secretary of State Condoleezza Rice was equally blunt about the stakes involved. She said:

We don't have an option to retire, to take a sabbatical from leadership in the international community and the world. If we do, one of 2 things will happen. There will be chaos, because without leadership there will be chaos in the international community, and that is dangerous. But it's quite possible, that if we don't lead, somebody else will. And perhaps it will be someone who does not share our values of compassion, the rights of the individual, of liberty, and freedom.

I could not agree more, and I hope other Senators appreciate what is at stake. Just as past generations rallied to meet the formidable challenges of the Great Depression, the Nazis, and the Cold War, we will bear responsibility if we fail to meet the challenges of today.

The budget for diplomacy and development includes funding for our embassies and consulates that assist the millions of Americans who travel, study, work and serve overseas.

It pays our contributions to U.N. peacekeeping missions that do not require the costly deployment of U.S. troops, UNICEF, the World Health Organization, the International Atomic Energy Agency, the operations of our NATO security pact, aid for refugees who have fled wars or natural disasters, and to prevent the spread of AIDS, the Asian Flu, and other contagious diseases that threaten Americans and people everywhere.

There are many other programs that promote U.S. exports, support democratic elections, combat poverty, and help build alliances with countries whose support we need in countering terrorism, thwart drug trafficking, protect the environment, and stop cross-border crime.

We do this and a lot more with less than 1 percent of the Federal budget, yet it is a crucial investment in our national security.

It also is no wonder that other countries—our allies and our competitors—are spending more each year to project their influence around the world, and to compete in the global marketplace. Great Britain's conservative government is on a path to increase its international development assistance to .7 percent of its national budget, compared to .2 percent for the United States. Yet the Republican majority in the House of Representatives proposes to slash funding for these programs to pre-2008 levels.

Our leadership is being challenged unlike at any time since the Cold War. In Latin America, which is a larger market for U.S. exports than any other region except the European Union, our market share is shrinking while Chi-

na's is growing. It is the same story everywhere.

There is simply no substitute for U.S. global leadership. The world is changing, and we cannot afford to retrench or to succumb to isolationism. Funding that enables us to engage with our allies, competitors, and adversaries, while an easy political target, helps us to meet growing threats to our struggling economy and our national security.

I strongly support this budget and have fought to protect it for years. I also know there are competing needs and that we have to eliminate waste.

We need to support what works, and stop funding what does not. Too often, government bureaucracies continue funding programs that fail, and that needs to stop. Billions of dollars provided to high priced contractors and consultants for poorly conceived, wildly extravagant, unsustainable efforts to rebuild Iraq and Afghanistan have been wasted or stolen. This has further damaged the public's opinion of foreign aid.

The bill that I and Senator GRAHAM recommended to the Appropriations Committee on September 21 and that was reported by a bipartisan vote of 28-2 is \$6 billion below the President's budget request. It scales back most Department of State and U.S. Agency for International Development operations and programs and will force them to significantly curtail planned expenditures.

But the House bill cuts far deeper, and these are the cuts that President Bush and Secretary Rice warned about. There are unmistakable signs that our global influence is already eroding. It is not preordained that the United States will remain the world's dominant power. As former Secretary Rice said, "if we don't lead, somebody else will."

I doubt there is a single Member of Congress who, if asked, would say they don't care if the United States becomes a second or third rate power. They expect the United States to lead, to build alliances, to help American companies compete successfully, and to protect the interests and security of its citizens.

You can't have it both ways. You can't expect others to follow if you can't lead, and you can't lead if you don't pay your way. This budget is a fraction of the Federal budget, yet it is a far cry from what this country should be investing.

We need to wake up, to stop acting like these investments don't matter, that the State Department isn't important, that the United Nations isn't important, that what happens in Brazil, Russia, the Philippines, Somalia, or other countries doesn't matter, and that global threats to the environment, public health and safety will somehow be solved by others.

Our budget for foreign operations already has gone through deep budget cuts, with more to come. But the

American people deserve to be told that slashing, disproportionate cuts to these programs would have no appreciable impact on the deficit, and it would end up costing our country far more in the future.

2011 DAVIDSON INSTITUTE FELLOWS

Mr. GRASSLEY. Mr. President, today, I have the great honor and pleasure to recognize this year's Fellows for the Davidson Institute for Talent Development. This year, 18 young people under the age of 18 have been awarded scholarships of \$50,000, \$25,000, or \$10,000 for having demonstrated superior ability and achievement and having completed a significant piece of work in the areas of science, music, literature, mathematics, or technology. I would like to take this time to introduce each of these scholars and the various projects they have undertaken.

In the area of science, we have eight young students with remarkable projects that have contributed to scientific progress. Among this group of scholars is Shalini Ramanan. A 17-year-old young woman from Richland, WA, Shalini Ramanan worked with a natural dietary component of the spice turmeric called BC to test its effectiveness in treating cardiovascular diseases. Through cell migration assays and western blot techniques, she discovered that BC inhibited platelet-derived growth factor (PDGF)-induced vascular smooth muscle cell migration and signaling. Using bioinformatics, she identified target genes connected with signaling pathways. PDGF-stimulated cell-migration and proliferation are key pathological events in a variety of diseases including atherosclerosis and cancer. Her studies may help design and characterize novel drug molecules with clinical applications.

A 17-year-old young man from Mahopac, NY, Jayanth Krishnan developed an approach to infer regulatory mechanisms governing changes in gene expression and identified possible proteins that induce cancer. By creating a web interface that could predict transcription factors for dis-regulated genes, and mathematical models using MATLAB, he was able to predict proteins that are correlated with certain cancer families. Using this information, he calculated several combinations of drugs, for 60 different cancers, that have the potential to counteract the inducing agents and better guide therapeutics.

Lucy Wang, a 17-year-old young woman from Garnet Valley, PA, developed a predictive model to detect adolescent depression with an overall correct classification of 83.66 percent. Untreated depression is the No. 1 cause of suicide and the third leading cause of death among teenagers. Using factor analysis and logistic regression, she focused on quantifying variables that may lead to adolescent depression, including student self-reported experiences and demographics. Lucy's model