

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