

But the efforts made to extend this should be bipartisan. The House is going to do what they do, and they are going to send us a piece of legislation. They have not had time—I have spoken to the Speaker, and she has not had time, through her committees, for them to come up with the necessary work to have a conference that is meaningful because they are not ready for that. So they are going to send us a message and we are going to have to act on that.

If we pass it, it will not be what the President wants. If we have a little more time, the House, which has been working recently with the White House quite well on the stimulus package and other things, maybe could work something out. But you can't create something out of nothing, and that is what the President wants. He is looking for an excuse to wave his banner of "be afraid, terror." That is what he and the Vice President have done.

We understand the law is important. We believe it should be extended for a short period of time. If it is not extended, it is not the fault of the Congress, it is the fault of Bush and CHEENEY. We are doing everything we can to work this out. If it doesn't pass in the manner he wants, and it won't in the next few days—he wants total immunity for these phone companies that have cooperated or haven't cooperated with him, whatever the evidence shows. So I repeat, if we don't get an extension, the law will lapse. It is not the fault of the Congress, it is the fault of the White House.

Mr. President, I think we should announce what we are going to be doing here today.

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#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with the time equally divided.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding that I have reserved time, 15 minutes, to speak in morning business.

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. FEINSTEIN. I thank the Chair.

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#### CIA INTERROGATIONS AND ARMY FIELD MANUAL

Mrs. FEINSTEIN. Mr. President, yesterday was a big day before the Senate. We had the Foreign Intelligence Surveillance Act bill. Today is an even bigger day because the intelligence authorization bill is going to be before

the Senate, and today we will grapple with something that I think should be major in our consciousness and major in our deliberations. It is central to who we are as a nation. The question is whether the United States should continue to go to the "dark side," down the road of torture, and continue to allow the CIA and other intelligence agencies to practice or outsource state-sanctioned torture. To me, the answer is clear, and I hope it is to everyone. The answer should be no.

Today we are living in a legal limbo, where the rules are shrouded by ambiguity. The time has come to change this once and for all. The way to do it is to support the fiscal year 2008 intelligence authorization bill, which would prohibit all interrogation techniques by the CIA and place the intelligence community under the uniform standard of the Army Field Manual. If that bill passes, and it has passed the House of Representatives, if it passes here today, we have a uniform standard for the entire American Government with respect to coercive interrogation techniques.

The Army Field Manual, which looks like this, has 19 interrogation protocols. They are proven, they are flexible, and they are effective. The CIA interrogation program, on the other hand, I believe, is immoral, illegal, sometimes ineffective, and often counterproductive. I wish to simply read something which appeared in the newspapers, and what this says is:

The book on interrogation has been written. We just need to follow it.

And they refer to this book, Mr. President.

Cruel and inhuman and degrading treatment of prisoners under American control makes us less safe, violates our Nation's values, and damages America's reputation in the world. That is why, in 2004, the bipartisan 9/11 Commission called for humane treatment of those captured by the United States Government and our allies in the struggle against terrorism. Congress and the Pentagon responded with clear and comprehensive new rules for the military so that interrogation techniques practiced by the military today are both humane and effective. But not all United States agencies are following these rules. Congress should require the entire U.S. Government and those acting on its behalf to follow the Army Field Manual on Human Intelligence Collector Operations. Doing so will make us safer while safeguarding our cherished values and our vital national interests.

This was signed by Zbigniew Brzezinski, Warren Christopher, Lawrence Eagleburger, Slade Gorton, Lee Hamilton, Gary Hart, Rita Houser, Karla Hills, Thomas Kean, Anthony Lake, John Lehman, Richard Leon, Robert McFarlane, Donald McHenry, Sam Nunn, Thomas Pickering, Ted Sorensen, and John Whitehead. It is a bipartisan group that has come out with this, and I believe we should absorb it and use that information.

The Army Field Manual provision has the support of the Intelligence Committees. I offered the amendment in the conference between the House

and the Senate on the intel authorization bill. It was passed by the Senate and it was passed by the House, and it is part of the bill, and as I said, the House has passed their bill. The amendment was the subject of passionate and considered debate in Congress. It has unique support—18 former security officials, as I have said—and this Army Field Manual was issued in its current form by the Department of the Army in September of 2006. It followed the requirements of the Detainee Treatment Act, and it applies uniformly across all elements of the military and civilian elements of the Department of Defense.

The manual was published after more than 3 years of drafting and coordination. This was the most scrutinized field manual the Army has ever produced, including reviews and comments by every relevant Pentagon office, every combatant commander, the White House, the DNI, the CIA, and the Defense Intelligence Agency. The Departments of Justice and State have also concurred with the manual's guidance. For the first time ever, the Army consulted with Congress in the persons of Senators MCCAIN, WARNER, and LEVIN in drafting the manual.

The manual complies with the Uniform Code of Military Justice, the Geneva Conventions, and the Detainee Treatment Act. There is perhaps no more authoritative figure on the manual than our commanding officer in Iraq, GEN David Petraeus. In a response to a survey showing that American troops in Iraq would consider torture in order to save their comrades, Petraeus wrote to the entire multinational force on May 10, 2007, and here is some of what he said:

Certainly, extreme physical action can make someone "talk"; however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

Now, what does the manual do? It specifically authorizes 19 approaches—you could call them interrogation techniques—and they are well thought out and each one is several pages on how to apply it. One of them can only be used on unlawful army combatants with the prior approval of the combatant commander. These techniques describe ways to build rapport with the detainee in order to get him or her to share information.

GEN Michael Maples, the Director of the DIA, recently rebutted the contention that the Army Field Manual wouldn't have covered the interrogation method used by an FBI special agent to get Saddam Hussein to finally come clean that he had no weapons of mass destruction.

So the manual specifically prohibits eight techniques, and here is what they are:

Forcing a detainee to be naked, perform sexual acts, pose in a sexual manner; placing hoods or sacks over the