

war, the district court has ruled that the military commissions may proceed as planned, and that the right to habeas corpus will crystallize only once there is a final judgment.

The Bush administration can hardly complain if it takes the Federal district judges presiding over these habeas cases some time to resolve them. After all, it was the Bush administration that tried to avoid court scrutiny at all costs for the last 7 years. The Supreme Court having rejected this effort, the courts must now be permitted to do their jobs.

Is there anything that Congress should do at this time? One thing that Congress could and in my view should do is to pass the Habeas Corpus Restoration Act that Senator SPECTER and I introduced in the wake of the passage of the Detainee Treatment Act, and with which we sought to modify the Military Commissions Act. A bipartisan majority of the Senate voted with us last year when we were seeking to add it to the Department of Defense authorization bill, but we were forestalled by a filibuster. I trust that those who said they were not ready to join us last year because of the pendency of the Supreme Court case will join us now and do the right thing. It was Congress's mistake to pass the habeas stripping provisions of the Detainee Treatment Act and the Military Commissions Act, and we should correct it by passing our bill to amend the law. The Supreme Court has already declared those provisions unconstitutional and ineffective. In my view, it is a shame that the Supreme Court had to step in before we corrected our mistake.

These unconstitutional habeas-stripping provisions are a blot on the Senate, and on the Congress, and should not reside in our laws. We should reverse the Senate's action and correct its error. I do not want to see another Senate apologize years down the road for passing laws designed to strip habeas rights, as we have seen belated apologies for America's treatment of Native Americans, the internment of Japanese Americans, and other grievous errors in our past. I do not want a future Senate to look back with shame or have to issue an apology for unconstitutional legislation coming from this great body. Congress should pass the provisions of the Habeas Corpus Restoration Act.

Hereafter we will need to join together in the weeks and months ahead to rethink the misconceived legal framework that has been devised by this administration. We will need to work together—with each other, with the House and with the new administration—to supplement our laws, consistent with our Constitution and core values, and to restore our leadership in the world and more effectively defend our Nation. We can recapture the bipartisanism that we demonstrated in the days immediately following 9/11 and move forward, not as Democrats or Republicans, but as Americans.

The Supreme Court was explicit that its decision in *Boumediene* only reached the unconstitutional attempt to strip habeas corpus review from these detainees and that the Detainee Treatment Act and combatant status review tribunal process remain intact.

Likewise, the Attorney General and Department of Justice have said that the military commissions will continue, and a federal judge in Washington, DC, recently ruled against a detainee's effort to secure habeas review before his military commission was to commence.

I think we will need to review both processes. The military commission system is so deeply flawed that after close to seven years it has only just started its first trial. The world will never view those proceedings as fair or consistent with the rule of law. We are too strong and confident a nation to seek vengeance or be driven by fear. America is great in part because it does not shirk from its legal obligations but embraces them and lives by them. When America acts, as it did, to circumvent the law by holding prisoners off shore, to contract out torture to third parties, or to suspend the Great Writ, we are not the America envisioned by our Founders and preserved by every previous generation of Americans.

I look forward to working in the next session with Senator FEINSTEIN on her initiative to close the Guantanamo Bay facility, and begin to erase the damage it has done to the United States' reputation around the world. She has sponsored legislation to move us in that direction. I want to commend Senator WHITEHOUSE for his legislative proposal to establish a congressional commission to make non-partisan recommendations to Congress on how best to proceed in the future. I know that Senators DURBIN and SPECTER introduced military commission bills back in 2002, around the same time that I did. We will need to work across committee lines and across the aisle, to involve not only the reconstituted Department of Justice, but also the Departments of Defense and State as we go forward. We will need to reconsider where else we went wrong and how to set the entire system on better, stronger foundations.

AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

Mr. SPECTER. Mr. President, I have sought recognition to recognize the Air Force Office of Special Investigations on its 60th anniversary, August 1, 2008.

The Office of Special Investigations was created in 1948 at the suggestion of the 80th Congress. The secretary of the Air Force, Stuart Symington, consolidated and centralized the investigative services of the U.S. Air Force to create an organization that would conduct independent and objective criminal investigations. Since 1948, the Office of Special Investigations has evolved to

meet the changing needs of the Air Force. It has matured into a highly effective war-fighting unit while maintaining the standards of a greatly respected Federal law enforcement agency. The Office of Special Investigations has truly adapted to fulfill the needs of the U.S. Air Force in the 21st century.

At present, 3,200 men and women serve in the Air Force Office of Special Investigations. In more than 220 offices around the globe, these men and women perform the investigative work of the U.S. Air Force wherever and whenever they are needed. I am proud to be counted among the alumni of the Air Force Office of Special Investigations. I served as a young lieutenant in the Office of Special Investigations from 1951 through 1953 and was assigned to the Pennsylvania, West Virginia, and Delaware District. My experience allowed me to serve my country, hone my investigative skills, and prepare for a career in law and in Government.

It gives me great pleasure, to recognize and salute the Air Force Office of Special Investigations on the occasion of its 60th anniversary. In a time of unprecedented change and challenges, the Air Force Office of Special Investigations has answered the call of the Air Force, the Department of Defense, and the Nation.

JOBS, ENERGY, FAMILIES AND DISASTER RELIEF ACT

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote on July 28 against cloture—to end debate—on the motion to proceed to S. 3297, the so-called Reid omnibus bill or “Coburn package.” As I stated on the Senate floor Monday, July 28, it is my inclination that the majority leader called for a vote on cloture on proceeding to this bill in order to dislodge the pending legislation on oil speculation. By using his position of power, he seeks to force the Senate to prematurely move away from the No. 1 issue facing the people from my State and the Nation namely energy legislation.

I did not support cloture to move to the Reid omnibus bill not because I do not support many of its provisions, rather because I believe we should complete work on energy legislation before moving on to other matters. Further, I am seeking my right as a U.S. Senator to offer amendments to a bill in a fair and balanced legislative process.

For instance, Senator KOHL and I had a bipartisan amendment prepared to offer to the speculation bill that would have brought OPEC nations under U.S. antitrust laws to prohibit them from meeting in a room, lowering production and supply, and thus raising prices. Unfortunately, this effort was denied by the majority leader's blocking of amendments by filling the so-called amendment tree, disallowing mine and a number of other amendments that ought to be considered.