show our support is to provide funding in a timely manner. My hope is that we finish floor consideration of this bill this week. It would be good for all concerned if we could in a timely fashion before the end of this fiscal year.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business.

The Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

DEPARTMENT OF JUSTICE INVESTIGATION

Mr. CHAMBLISS. Mr. President, I rise today to speak in opposition to Attorney General Holder's decision to reexamine the judgment by career prosecutors at the Department of Justice and initiate a preliminary review to determine whether criminal charges should be filed against CIA officers who conducted interrogations against hardened al-Qaida terrorists.

At the outset, let me remind everyone that President Obama promised the American people he would look forward rather than backward and would not seek a criminal investigation for individuals involved in the CIA's interrogation and detention program. Notwithstanding this promise, he has allowed the Attorney General, a member of his Cabinet who answers to him, to rehash old ground despite the fact that career prosecutors already have examined the same information and declined to prosecute the same individuals for the same actions.

By allowing this decision to stand, President Obama is failing to exercise his duty as Chief Executive and enforcer of the law. Given that there are no new facts to justify this action by the Attorney General, the President should demand that the legal conclusions previously reached by career prosecutors be upheld.

Just last week, seven former CIA Directors—encompassing all living former CIA Directors from both political parties except the two presently serving in the Obama administration, current Director Panetta and Secretary of Defense Gates—wrote in a letter to President Obama that the decision to reexamine these cases ''creates an atmosphere of continuous jeopardy for those whose cases the Department of Justice had previously declined to prosecute.''

No facts have changed since then, no new facts have arisen, and in light of the previous refusal of the Department of Justice to prosecute all but one CIA employee, the CIA has already taken administrative action against some of these individuals. Where is the justice for these government employees who have been on the front lines in the war on terror since the 9/11 attacks and who acted under the legal guidance given to them if they are to face potential punishment more than once for their actions?

What is the message we are sending to our intelligence community? Reopening these cases is exactly the type of action which creates risk-averse intelligence agencies and officers. If an intelligence officer involved in a clandestine operation today worries that he may be prosecuted for it tomorrow, he is not going to think twice about conducting the operation. He simply will not do it. Worse yet, if an intelligence officer involved in a clandestine operation today worries that he may be prosecuted for it tomorrow because of random policy changes, it will evoke an even greater subjective risk-adverse environment. Creating such an environment where intelligence activities today are held hostage to the political decisions of tomorrow is a recipe for failure for our intelligence collection efforts.

As a member of the Senate Select Committee on Intelligence, I understand the important role that intelligence plays in our military, law enforcement, and intelligence operations. I see firsthand the bravery and professionalism exhibited by our intelligence community cadre. Partisanship plays no role in their daily operations. They are guided not by which political party may obtain their vote on a particular day in November but by an overwhelming sense of duty to their country. They understand they do not make policy. Yet they are out there risking their lives to gather the intelligence necessary for policymakers to make an informed decision.

Similarly, partisanship should play no role in the decisions of the administration or Congress when it comes to intelligence gathering. I do not want our intelligence community professionals to have to think twice about whether to gather certain information that will inform me of foreign policy developments because they fear potential prosecution at a later date for doing so. These men and women need to know they have the freedom to do their jobs within the guidance that is given to them at the time, even though that guidance or policy may change down the road. They need to know the country they are serving has their back. Sadly, that is not the message we are sending. Never before has a change in policy brought the threat of potential prosecution for past sanctioned actions.

Some may ask why the Attorney General's decision is so harmful to our national security. The answer is simple. Without calculated risk taking on the part of our intelligence community, we will lose the fight against not only our state adversaries but against terrorists as well. This is not a tradeoff I am willing to take. It is not a tradeoff the President should be willing to make either, particularly as we continue the fight in Afghanistan.

We need to look no further than the events of the past week, the arrests on American soil of three individuals with admitted ties to al-Qaida who may have been planning attacks against the U.S. homeland, to understand that the threats to our country are real and that this tradeoff which the administration has sanctioned is a lot closer to hitting home.

Finally, I would point out that the same report—the CIA inspector general's report entitled ''Counterterrorism Detention and Interrogation Activities (September 2001–October 2003)''—that Attorney General Holder claims was his reason for reopening this investigation was the same report that prompted the CIA to self-report to the Department of Justice in the first place.

Long before the IG even started his review, the CIA informed the Department of Justice that they had recommended an IG investigation related to the interrogation program. Once the report was completed, the Department of Justice received it and carefully reviewed the facts and circumstances described within it. Only after doing so did the career attorneys decline to prosecute. Unfortunately, press reports from this past weekend indicate that the Attorney General never even bothered to read the declination memos prepared by these career public servants.

In recent months, the administration has declassified and released to the public this IG report, as well as the legal guidance from the Department of Justice. The record is there for the American people to review for themselves. I have reviewed all of this information, and I am confident that anyone else who does so will reach the same conclusion I have; namely, that reopening an investigation is not merited.

Further, it is worth noting that the IG report found that:

> The Agency's detention and interrogation of terrorists has provided intelligence that has enabled identification and apprehension of other terrorists and warned of terrorist plots planned for the United States and around the world.

Where deviations from the approved procedures and guidance occurred, it was an anomaly and was either prosecuted or administratively punished by the CIA leadership.

The issues at the heart of the Attorney General's decision have been examined thoroughly, and it is time for them to be laid to rest. President Obama and the Attorney General should put an end to their unjustified second-guessing of career prosecutors. I cannot imagine they would be willing to expose their own policy decisions and legal determinations to future politically motivated prosecutions. Yet by doing so with their actions against the CIA employees, they are setting a dangerous precedent which I believe will have a lasting, chilling effect on our intelligence community and our national security.

With that, Mr. President, I yield the floor.