

specifically provided to take care of those who would kill Americans on the battlefield? For what reason are we doing this?

Why, Mr. President? Why, Mr. President? Why?

TRY THE TERRORISTS IN GUANTANAMO, NOT NEW YORK CITY

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, to follow up on my friend from California, he is exactly right. There is no good reason for bringing the most dangerous terrorists and terrorist organizers to the most densely populated area in our country. Those of us who have logistically been involved in setting up trials know that every bailiff, every guard, every person involved in the justice system will be at risk, as will their families.

So we know that every President brings their own kinds of experience to the office. This President does not have justice experience. He doesn't have military experience. He doesn't have foreign affairs experience. He doesn't have domestic affairs experience. He doesn't have community organizing experience, and that will be invaluable in organizing the communities in New York to get them off the island after the terrorists move in during the trial.

COSTS SOAR IN PELOSI'S TAKEOVER BILL

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, the nonpartisan, independent experts at the Centers for Medicare & Medicaid Services, CMS, released their analysis of the Pelosi takeover. I would like to say it was shocking, but I already had my suspicions that the government takeover of health care was going to cost much more than claimed. The independent report this weekend exposes the truth and the real cost.

The report shows that the Pelosi takeover will increase health care costs by \$289 billion. This discredits all the assertions we have heard about how a 2,000-page bill, the \$1.3 trillion health care bill, will somehow lower costs. This health care takeover will violate this administration's promise to "bend the cost curve." It will add more than a dime to the deficit and kill jobs.

There are better alternatives that Congress should consider, like H.R. 3400, that will lower health care costs for families and small businesses while creating jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Mass murderers should be tried at

Guantanamo Bay, not in New York City.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SENDING MORE TROOPS IS NOT THE ANSWER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, Matthew Hoh, a former Marine captain, recently resigned his job as U.S. Government reconstruction official in Afghanistan. In his letter of resignation, he criticized the American strategy in Afghanistan. He said the presence of large numbers of U.S. troops is making the insurgency stronger because it makes the Afghan people see America as an occupying power, a power that must be opposed.

Now, before anybody accuses Captain Hoh of being a long-haired hippie peacenik, keep in mind that he fought with distinction in Iraq before serving in Afghanistan. He believes in the American military. He supports it with all his heart.

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In fact, he says that "no nation has ever known a more dedicated military as the U.S. Armed Forces. The performance of our troops," he says, "is unmatched."

But he also, Madam Speaker, believes that no military force has ever been given such a complex mission as the U.S. military has received in Afghanistan.

Captain Hoh is right. Our troops have been given an impossible job, and now we are seeing the tragic results. Over 1,000 American troops have been wounded in battle in just the past 3 months. That accounts for one-fourth of all the casualties we've taken since the war began in October 2001.

Think about it. The war has been going on for 97 months in Afghanistan, and one-fourth of all the casualties have been suffered in just the last 3 months.

Things have gotten so bad, Madam Speaker, in fact, that the casualty rate in Afghanistan is now actually higher than the casualty rate for American troops at the height of the violence in Iraq. And the spike in the casualty rate occurred after the administration sent 21,000 more troops to Afghanistan in the hope that there is a military solution to the problem.

But relying on military power alone has not done the job, and escalating the war now by sending in tens of thousands more troops won't solve the problem either.

That's why I am calling on President Obama to change our mission in Af-

ghanistan. I have urged him to devote most of our efforts on humanitarian aid, diplomacy, and economic development. These are the elements of "SMART Security." They'll do a much better job of stabilizing Afghanistan than a heavy military footprint.

Without this change in strategy, our troops are likely to face worse, not better, situations. The enemy is learning how to use IEDs more efficiently. Lieutenant Thomas Metz, the director of the Pentagon's effort to reduce IED casualties, has acknowledged that sending more troops to Afghanistan will likely mean more IED deaths and injuries, which include spinal cord damage, traumatic brain injuries, and amputations.

So I urge the administration to move in a new and a different direction for the sake of our country and for the sake of America's troops and their families. And I urge every Member of the House to listen to the words of Matthew Hoh, who wrote the following to a State Department official:

"I trust you understand the sacrifices made by so many thousands of military families whose homes bear the fractures, upheavals, and scars of multiple deployments. Thousands of our men and women have returned home with wounds, some that will never heal. The dead return only in bodily form to be received by families who must be assured that their dead have sacrificed for a purpose worthy of futures lost."

Madam Speaker, the casualty rate in Afghanistan is unacceptable. Continuing the same policies that put our brave troops at risk is unthinkable. That's why it's time to put SMART Security to work in a place where military power alone just isn't the answer.

THE TRIAL OF KHALID SHEIKH MOHAMMED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the 9/11 terrorist Khalid Sheikh Mohammed and four of his terrorist buddies are getting a trip to New York City to be tried in Federal court for their crimes against America.

Some of the other terrorists, however, are being tried in military courts. So why are we trying Mohammed in Federal court in the United States? Why aren't we treating them all alike, treating them all the same? Is it different strokes for different folks? It appears to be so. So why are these five special individuals being treated this way and brought to the United States for trial?

Military tribunals throughout history have always been used to try captured enemies on the battlefield. They have different rules and standards for evidence and interrogation, and the military courts make allowances for these basic differences. And tribunals

won't use classified intelligence material in open court.

The military courts and the prosecutors in the military courts have been preparing for 18 months to try these five terrorists in military court. Now all of that's over, and all of that paperwork now is going to be turned over to Federal prosecutors who know nothing about the case, and they will start over with their investigation.

Now, the way I figure it, it's been 8 years since 9/11 occurred. How long is it going to be before these people are tried? No one knows, because the government is now not prepared and they'll have to start getting prepared.

Military tribunals have always been created in a time of war. War criminals and people on the battlefield who are captured are tried there. And now we're making some exception, and the reason is we don't know. We don't know the reason why they're being tried in New York and why some of them, well, they're going to get their military trials. Maybe those are lower-ranked terrorists. Who knows. Nobody's talking in the Justice Department.

It does make a difference where a person is tried, whether he's tried in a Federal court or a military court, which has the jurisdiction. Let there be no mistake about it: these military courts have the jurisdiction to try these war criminals, but they are giving up their jurisdiction to the Justice Department.

For example, in 1993 in the World Trade Center bombing, prosecutors were required to turn over evidence to defense attorneys that included a large amount of intelligence secret information. Those intelligence documents were never supposed to be provided to anyone outside of the attorneys for each side. But guess what happened, Madam Speaker. Copies of those were later found in al Qaeda caves overseas. So much for secrecy.

We used to have Osama bin Laden's cell phone number, and we used it to track his movements and hundreds of calls he made back in 1998. It helped us to uncover members of the terrorist network prior to 9/11.

But during the Federal trial of four al Qaeda terrorists who blew up two American embassies in East Africa, the extent of our methods of intelligence of tracking the terrorists through using their cell phone numbers were disclosed. And not only were they disclosed; the phone records were made public to the whole world. So guess what. Terrorists quit using their cell phones and shut them off. Now they communicate with each other using different methods. This was the result of trials that took place in Federal court. The rules of evidence are different.

Doesn't anybody know we are at war and the rules of war ought to apply? And when we capture these people on the battlefield, when we capture these people who are at war with America,

we ought to try them in military tribunals.

Our anti-terrorist operations depend on secrecy. It makes the job of the FBI and Homeland Security agents harder when the methods they use are publicized in open court. And it doesn't seem to me to make any sense why we would want to make all of the evidence that we have obtained against these five terrorists public record.

One more example: the 20th hijacker, Moussaoui, escaped the death penalty during his Federal trial, and here's the reason why: the court ruled the evidence of his participation in the 9/11 plot from his own computer was not admissible in a Federal courtroom. And without that evidence, the Feds had to settle for a life sentence. Thus he avoided the death penalty.

Much of the evidence against Khalid Sheikh Mohammed was gathered through interrogations, and now unless the interrogators read this individual his Miranda rights before water-boarding, it makes us wonder whether the evidence obtained against him lawfully under military rules will be admissible in Federal court.

Federal courts were never intended to deal with wartime situations; military courts have always been the reason. And now we're going to allow this individual to have center stage in New York City to be tried and maybe possibly convicted and become an international martyr on the international stage. It makes no sense. They ought to be sent back to Guantanamo.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 16, 2009, at 12:17 p.m.:

That the Senate passed S. 1422.
Appointments:
United States-China Economic Security
Review Commission.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. GRIFFITH) is recognized for 5 minutes.

(Mr. GRIFFITH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I submit for the RECORD an editorial by David Broder, Friday, November 13, and the title is "Half Done on Health Reform."

Madam Speaker, I'm reading from this editorial some points that I would like to share with the House tonight:

"At least a dozen health and budget experts have filled the Web and airwaves with warnings that the House bill simply postpones the cost controls needed to finance the vast expansion of insurance coverage and Medicare benefits envisaged by its sponsors.

"One of them speaks with special authority: David Walker, the former head of the Government Accountability Office, the auditing and investigating arm of Congress, told me in an interview on Wednesday that the lawmakers are 'punting on the tough choices rather than making sure they can deliver on the promises they're making.'

"In a speech delivered less than 48 hours after the House acted, Walker, now president of the Peter G. Peterson Foundation, laid out the tests that buttress his conclusion.

"Acknowledging that 'clearly we need radical reconstructive surgery to make our health care system effective, affordable, and sustainable', Walker cautioned that 'what we should not do is merely tack new programs onto a system that is fundamentally flawed and rapidly driving the national budget into ruin.'

I further read from the editorial: "A separate Lewin Group study of the Finance Committee bill from which Majority Leader HARRY REID is working on in the Senate shows it is almost as much of a fiscal failure as the House bill.

"Walker, a close observer and former employee of Congress, calls that assumption 'totally unrealistic.' In reading his analysis and the comments of the many others who have appraised the House handiwork, it becomes clear that unless something intervenes, Congress is headed toward repeating a familiar pattern. Just as it did under Republican control in the George W. Bush years when it passed but did not pay for a Medicare prescription drug benefit, it is about to hand out the goodies