

The result was announced—yeas 72, nays 20, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—72

|           |            |             |
|-----------|------------|-------------|
| Akaka     | Gillibrand | Mikulski    |
| Alexander | Graham     | Murkowski   |
| Baucus    | Gregg      | Murray      |
| Bayh      | Harkin     | Nelson (FL) |
| Begich    | Hatch      | Nelson (NE) |
| Bennet    | Inouye     | Pryor       |
| Bennett   | Johnson    | Reed        |
| Bingaman  | Kaufman    | Reid        |
| Bond      | Kerry      | Rockefeller |
| Boxer     | Klobuchar  | Sanders     |
| Brown     | Kohl       | Schumer     |
| Burr      | Kyl        | Sessions    |
| Cantwell  | Landrieu   | Shaheen     |
| Cardin    | Lautenberg | Snowe       |
| Carper    | Leahy      | Specter     |
| Casey     | Levin      | Stabenow    |
| Collins   | Lieberman  | Tester      |
| Conrad    | Lincoln    | Udall (CO)  |
| Corker    | Lugar      | Udall (NM)  |
| Dodd      | McCain     | Voivovich   |
| Dorgan    | McCaskill  | Warner      |
| Durbin    | McConnell  | Webb        |
| Feingold  | Menendez   | Whitehouse  |
| Feinstein | Merkley    | Wyden       |

NAYS—20

|           |           |         |
|-----------|-----------|---------|
| Barrasso  | Crapo     | Risch   |
| Brownback | DeMint    | Roberts |
| Bunning   | Ensign    | Shelby  |
| Burr      | Enzi      | Thune   |
| Chambliss | Grassley  | Vitter  |
| Coburn    | Hutchison | Wicker  |
| Cochran   | Inhofe    |         |

NOT VOTING—7

|        |         |          |
|--------|---------|----------|
| Byrd   | Isakson | Martinez |
| Cornyn | Johanns |          |
| Hagan  | Kennedy |          |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Utah.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, Senator BROWN be afforded the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise today to express my apprehension regarding the closure of the Guantanamo Bay Detention Center in Cuba. I have several concerns regarding the transfer and disposition of the enemy combatants detained there in response to the attacks of September 11, 2001.

Here we are, almost 8 years removed from that fateful Tuesday morning when terrorists murdered 3,000 of our citizens at the Pentagon, the World Trade Center complex, and on hijacked flights. On that day, we were caught flatfooted and hit with a right cross. Many of us who were here in Congress in the days that followed 9/11 swore we would provide the President and the

Nation with whatever tools were necessary to ensure that we would never be caught by surprise again.

So on September 18, 2001, Congress sent to President Bush the Authorization to Use Military Force. This was signed into law. Twenty-six days after the attacks on New York and Washington, we commenced military operations in Afghanistan. We had identified our enemy and determined the location of his base of operation and where this treacherous plot had been devised. We took the fight to the Taliban and al-Qaida and engaged them in Afghanistan. In the course of those engagements, U.S. and coalition forces captured enemy combatants.

Early in 2002, enemy combatants who were seized on the battlefield began arriving at Guantanamo for detention. In 2004, the Supreme Court issued an opinion in *Hamdi v. Rumsfeld* that, as a necessary incident to the AUMF, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan until the cessation of hostilities. At one time, nearly 800 detainees were housed at Guantanamo. Approximately 525 detainees have been transferred to other countries for detention or released outright and returned to their country of residence. Approximately 60 detainees who were released were later recaptured on the field of battle in Afghanistan or have again taken up arms against the United States on other fronts.

Recently, as reported this year in the January 23 edition of the *New York Times*, a former Guantanamo detainee from Saudi Arabia has resurfaced as No. 2 in charge of al-Qaida in Yemen.

There he is, as shown in this picture: Said Ali al-Shihiri, deputy leader for al-Qaida in Yemen; also known as Abu Sayyaf al-Shihiri and also as Abu-Sufyan al-Azidi; and also known as Guantanamo detainee No. 372. He was released from Guantanamo in November 2007. He planned the U.S. Embassy attack in Yemen in September 2008.

Furthermore, it is believed this man was involved in the planning of an attack on the American Embassy in Yemen last September. This terrorist assisted in the murder of 10 Yemeni citizens and 1 American—former Guantanamo detainee No. 372.

The *Washington Post* recently ran a 2-day installment profiling a Guantanamo detainee from Kuwait: Abdullah Saleh al-Ajmi, also known as Guantanamo detainee No. 220, released from Guantanamo in November 2006, and detonated a truck bomb in Mosul, Iraq, in March 2008.

He was released and subsequently traveled to Syria and snuck into Iraq. Ultimately, this terrorist drove a truck packed with explosives into a joint American and Iraqi military training camp and blew himself up, taking 13 Iraqi soldiers with him—former Guantanamo detainee No. 220.

In March of 2004, a released detainee returned to Pakistan to again take up the fight against coalition forces as an

insurgent. His name is Abdullah Mehsud. This former detainee, in July 2007, killed himself in engagement. He was responsible for the kidnapping of Chinese nationals in Pakistan. After Pakistani forces began to close in on him, he blew himself up with a grenade.

These are just a few of the examples that illustrate how precarious it can be to release these detainees to other nations. We are outsourcing the security of our Nation to other countries. Shouldn't we be cautious and examine who we are letting free? Who is taking custody of these detainees? What security precautions and monitoring measures are in place to ensure they stay incarcerated or remain accountable?

If we shelve the only DOD strategic interrogation facility we have and cannot place these detainees with confidence in other countries, will we be forced to transfer these enemy combatants to the United States? Removing these detainees from a secure military facility with an airport, a highly trained security force, a secure infrastructure, and located on an island outside the continental United States is, in my opinion, reckless. Bringing these detainees to the continental United States is tantamount to injecting a virus into a healthy body.

On January 22, 2009, President Obama signed three Executive orders pertaining to Guantanamo and the enemy combatants detained there. He has ordered the closure of the detention facility within 12 months. He has also required that any detainees presently in custody be treated humanely and in accordance with the Army Field Manual. In fact, this order references the Detainee Treatment Act of 2005, an act passed by Congress that required that the treatment of the detainees comply with the Army Field Manual. The objective of this order was already fulfilled by the passing of that law.

The third order commissioned a task force to conduct a comprehensive review of options available that will provide a solution and final disposition for the detainees at Guantanamo. The Executive order closing Guantanamo states:

Prompt and appropriate disposition of individuals currently detained at Guantanamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States.

Now, presently, approximately 245 detainees designated as "enemy combatants" are housed at Guantanamo. The possibility of returning a majority of these detainees to their home country or a third country so that we can rid ourselves of this issue troubles me, nor does it strike me as particularly sophisticated in the analysis of how other countries see us. There is no doubt that among some European elites, their opinions on the previous administration became more negative as the years went by. There is no doubt that this was also reflected amongst

the broader populations who have tended toward liberalism for decades. Opinions from other parts of the world are harder to measure, of course, as it is difficult to measure the views of populations living under various types of autocratic government.

Negative international opinion should not be exaggerated for a number of reasons. First and most obvious, leadership, particularly in difficult times, should not be directed by polls. This is true domestically, and it certainly is true of foreign polls. It is neither our job nor the administration's job to represent foreign populations. Decisions in Government should not be made by leaders sticking their fingers in the air to see which way the wind is blowing.

Second, appealing to foreign popularity completely disregards the unique role this Nation has played in advancing global security. It also disregards the historic debates in which leftwing parties have advanced their ideology. But we should not ignore that there has been unprecedented—unprecedented—cooperation from the same Democratic governments whose liberal disdain so succors some in the opposition here on all matters of national security. Cooperation from these governments on diplomatic, military, intelligence, law enforcement, and humanitarian assistance has been the norm, not the exception, regardless of disputes on Iraq policy and on those governments' views on Guantanamo.

In terms of foreign policy, I would much rather have the cooperation of a government than its approval, although I recognize that in some cases the approval facilitates the cooperation. But realistically speaking—and this is a subject that ought to be steeped in realism—popularity is not a prerequisite for hard-headed cooperation against a common threat.

I wish to quote what columnist Tom Friedman—who is certainly not a cheerleader for the Republican Party—said about foreign policy thinker Michael Mandelbaum, who is usually associated with Democratic policies:

When it comes to the way other countries view America's preeminent role in the world—

Writes Friedman, who then quotes Mandelbaum—

whatever its lifespan, three things can be safely predicted: The other countries will not pay for it; they will continue to criticize it; and they will miss it when it is gone.

I would urge the policymakers in this administration, as well as my colleagues in the majority party, to consider this wisdom expressed by Democratic thinkers the next time they engage in the canard that we need to change our policy to improve our standing with other nations. Let's hope this is not the main reason to shutter Guantanamo because, if it is, it is a slim and irresponsible reason.

Prior to the issuance of the Executive order, I received a briefing on the President's intention to close Guanta-

namo. I would endorse an approach that would have commissioned a 1-year review process rather than coming out and declaring closure within a year. It strikes me that the study should come before the decision, not accompany it.

On his second full day in office, the President, without his Attorney General in place, issued this order, and I fear he painted himself into a corner. Two weeks ago, Attorney General Holder visited Guantanamo Bay. His public comment on his visit was the following:

I think it is going to take us a good portion of that time to really get our hands around what Guantanamo is and what Guantanamo was.

I am sure Attorney General Holder saw what I saw at Guantanamo when I visited there. I am sure he saw the impressive infrastructure, with medical, recreational, and legal facilities. Attorney General Holder is a good man, and I am glad the President has made him the point man on this issue, but his comments are indicative of the fact that the complexities surrounding Guantanamo cannot be solved by the stroke of a pen on an Executive order.

On February 23, 2009, the Department of Defense submitted a report to the White House titled "Compliance With the President's Executive Order on Detainee Conditions of Confinement at Guantanamo Bay." The Secretary of Defense tasked a special team to review the treatment of detainees and the conditions at Guantanamo in response to the President's order of January 22, 2009. The review team focused on myriad issues, especially housing, medical treatment, food services, religious freedom, access to attorneys, mail, security, use of force, interrogation, discipline, and intellectual stimulation.

During its 13-day investigation, the review team reviewed hours upon hours of videotapes, reports, and important records. Team members also conducted more than 100 interviews of base leadership, support staff, interrogators, and guards. Moreover, they conducted unannounced spot checks both day and night.

In the end, the review team concluded that the detention facility and the treatment of detainees at Guantanamo are in compliance with common article III of the Geneva Convention. What I found especially pleasing is that the review team concluded that Guantanamo interrogation protocols exceed the Army Field Manual and that cells at Guantanamo from maximum and high security cell blocks—I am quoting from the report—"exceed those typical of medium and maximum security detention facilities throughout the United States."

I wish to quote other excerpts:

Interrogations of Guantanamo detainees are all voluntary. Approximately one-third of all interrogations take place at the request of the detainee. Detainees are permitted to decline participation in interrogations at any time with no negative disciplinary consequences.

Unfortunately, our own Washington Post chose only to run a small article on this report. It was buried on page 3. This is in sharp contrast to the multiday, multipage, above-the-fold story about the released detainee who blew himself up in Mosul in March of 2008. I suppose the media was hoping this review of operations at Guantanamo would reveal that the present conditions of the detainees would be in violation of the Geneva Convention. Therein lays the problem. Somewhere along the way politicians, nominees, and the media all started to label the present conditions at Guantanamo as intolerable and substandard.

This report shows that conditions mirror or exceed any current prison in the Federal system. I encourage every Member to read the report and learn for themselves the facts about Guantanamo.

Some of the administration's proposals—ones endorsed by my Senate colleagues in the majority—involve bringing the detainees to the United States. I have given this issue serious consideration and am unable to find one good reason why our Government would want to do this. We have legally detained enemy combatants on the field of battle. We have categorized them into three classifications: First, detainees who no longer pose a threat and need to be returned to their country or a third country; secondly, enemy detainees who are too dangerous to release and must be incarcerated until the cessation of hostilities; and, third, detainees against whom we will present admissible evidence and adjudicate within the parameters of a fair and constitutionally guaranteed process.

There is no reason this court proceeding cannot be carried out at Guantanamo or satellite facilities outside the United States. The transfer of the detainees to the United States will undoubtedly present a wide array of complex legal issues that, in my estimation, will take longer than 1 year to solve. Mechanisms at Guantanamo that ensure a fair adversarial judicial proceeding, with all the applicable rights, is feasible and can be carried out and has been carried out previously at Guantanamo.

If we close this facility and are unable to place some of these detainees into the custody of third countries, what then? The Bureau of Prisons has previously stated that they consider these prisoners a "high security risk." As such, these prisoners would need to be housed in a maximum security prison. According to the Bureau of Prisons, it does not have enough space in maximum security facilities to house these detainees. However, one idea offered by my colleagues in the majority party for holding the detainees would be to transfer them to the Federal Supermax Prison in Florence, CO.

Now, this facility holds the worst criminal elements our country has. The maximum security institution, Supermax, ADX, Florence, CO. The

rated capacity is 490 prisoners. The current level is 471. The Bureau tries to ensure that this facility is never at full capacity in case of emergency transfers. In reality, the Federal Bureau of Prisons doesn't have the room required to hold these very dangerous prisoners in high security facilities.

As an alternative to the Supermax at Florence, CO, another idea offered by the majority would be to sprinkle the detainees throughout the Federal Prison System. Just look at this chart of the Federal Bureau of Prisons: We have 15 high-security prisons. The maximum beds in those 15 high-security prisons happen to be 13,448. The current population of those prisons is 20,291. It doesn't take too many brains to realize we can't solve it that way.

Mr. INHOFE. Mr. President, would the Senator yield for a question?

Mr. HATCH. I would be happy to.

Mr. INHOFE. It happens that I have been down there inspecting, maybe more than any other Member. The first time was right after 9/11; the last time was a couple of weeks ago.

One of the interesting things is, if you talk to anyone who has been there and served there, you find this is above the standards of any of our Federal prisons. At the current time, the population down there is 245, of which 170 cannot be repatriated; their countries would not take them back.

Out of the 170, 110 are the real hardened ones. When the Senator from Utah talks about they would put them in 15 prisons, they identified my State of Oklahoma, Forest Hill. I went there to see the facility only to find it would not work. But the sergeant major in charge of that facility served a year at Guantanamo Bay and said that of all the prisons she has been in, or worked in, that is the one that has the most humane treatment and is best suited for this kind of detainee. I agree with the Senator and ask if he has given thought as to where these 15 prisons are as alternatives and would they not become magnets for terrorist activity in the United States?

Mr. HATCH. That is a good question. I think I am making an overwhelming case that it is ridiculous to not use that facility, which is perfectly capable, offshore, on an island, where we have all the security we need and we don't have the capacity to take care of them in this country and we should not want to anyway. I have also made the point that sending them to other countries is not the answer either. They don't want them either.

Mr. INHOFE. I ask the Senator from Utah, if you stop and think, can you think of a better deal that America has had? We have had that facility since 1903, and the rent is still the same, \$4,000 a year. Can you find a better deal than that anywhere in Government?

Mr. HATCH. You can't. To have to bring these prisoners here, we don't have room, and the cost would be astronomical. Thirdly, we are going to have real big problems that we will

have a difficult time handling, assuming we can find places to put them. I have been down there, too, and I have been involved in this for a long time. The Federal Bureau of Prisons cannot receive these detainees. We are already overcrowded in high-security facilities by almost 7,000 prisoners.

What is our next option? Military custody? These detainees are already held in military custody. Why are we bringing them from one military installation to another? Some ideas regarding military custody and presented by the majority include the transfer of the detainees to Fort Leavenworth, KS. My esteemed colleague from Kansas, Senator BROWNBACK, already pointed out this idea would have dire consequences for the Army's Command and General Staff College. This is a course run by the Army and open to foreign students from our military partners. Some of these foreign officers are from Islamic nations that have supported us in our ongoing efforts against terrorism. The governments of these nations have publicly declared that they will withdraw their personnel from the course if enemy combatants are transferred to the Military Discipline Barracks at Fort Leavenworth. What a loss that would be.

I know mistakes were made in the early days of Guantanamo. There may have been some isolated cases where the treatment of some of these detainees there could be construed as not being in accordance with the Geneva Convention. In response to these deficiencies, the Supreme Court, Congress, the Department of Defense, and Justice have implemented protections and mechanisms to ensure that this will not happen again. The U.S. Supreme Court has issued decisions ensuring that constitutionally guaranteed rights apply to these men. Military prosecutors and FBI agents are conducting reviews of evidence held against detainees to ensure their admissibility. Military leaders in charge of Guantanamo have taken measures to ensure that humane standards and treatment of detainees and their religion exceeds not only the Geneva Convention but most prison standards found in the United States. Whatever problems there were at Guantanamo have been addressed and corrected.

I also remind my distinguished colleagues that our war against terrorism will not end with the signing of a treaty. The cessation of hostilities in Afghanistan is far from over. We are now shifting our focus and additional troops back to that theater of operation. This will increase the likelihood of contact with the enemy, which may require additional detentions. In the days ahead, I hope Congress will play a part in the disposition of detainees and the future of Guantanamo Bay. A well-thought-out and properly executed plan offered by the President would easily garner bipartisan support. I ask the President to rethink his deadline of closing Guantanamo less than 12 months from

now. This is a useable facility that has merit and operational worthiness.

In closing, I will quote the 34th President of the United States, Dwight D. Eisenhower, who said the following: "Peace and justice are two sides of the same coin."

I commend the President for wanting to conduct a thorough review of the operations at Guantanamo. My assessment is, this was completed 2 weeks ago with the Defense Department's report and the Attorney General's visit. What else is there to do? Let's get back to the task at hand of resuming military commissions and the humane detention of enemy combatants.

I am very concerned about this. So far, I have not seen a conscientious, let alone remarkably worthwhile or worthy, plan that would exceed what we are already doing in Guantanamo or that would be as good as what we are already doing there.

Mr. President, I ask unanimous consent that the letter from the Department of Justice, Federal Bureau of Prisons, dated September 10, 2007, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF PRISONS,  
Washington, DC, September 10, 2007.

Hon. TRENT FRANKS,  
House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN FRANKS: This is in response to the letter signed by you and several other Members of Congress requesting a description of the impact of transporting and incarcerating in the Bureau of Prisons (BOP) the approximately 500 enemy combatants currently being held in the detention facility in Guantanamo Bay, Cuba.

We have provided estimates of the costs you identify, and we also mention some of the challenges we would encounter if we were responsible for taking these enemy combatants into BOP custody. We must emphasize, however, that we would hope to learn more about this unique population and what would be required of our agency if we were required to assume custody of them. This would allow us to undertake a more complete and comprehensive impact assessment.

We would consider the individuals confined in Guantanamo Bay, Cuba, to be high security; therefore, they would require the highest level of escort staff, type of restraints, and other security measures if they were to be transferred into BOP custody. The transportation of Federal inmates and detainees is coordinated through the Justice Prisoner and Alien Transportation System (JPATS) within the United States Marshals Service. JPATS is a nationwide network of aircraft and ground transportation vehicles. The BOP assists JPATS by transporting Federal inmates from the airfields used by the U.S. Marshals Service aircraft to our institutions.

We estimate that it would cost approximately \$455,000 for the JPATS air travel of 500 detainees from Cuba to any of our United States penitentiaries. This air travel includes flights from Cuba to the Federal Detention Center (FDC) in Miami, Florida, from FDC Miami to the Federal Transportation Center in Oklahoma City, Oklahoma, and a third flight to a high-security United States penitentiary. Costs of transportation

would also include BOP buses to move the detainees from the airfields to our facilities (a cost of approximately \$1,300 per bus trip). Thus, the total cost could reach approximately \$500,000.

Currently, there is not sufficient bedspace at any high-security Federal prison to confine these individuals. Our high-security institutions are operating at 55 percent above capacity. There are approximately 199,700 Federal inmates at present, and we are expecting the inmate population to increase to over 221,000 by the end of fiscal year 2011. The average yearly cost of confining a high-security inmate in the BOP is approximately \$25,400.

We would most likely confine these detainees in one or two penitentiaries. This would require us to transfer a sufficient number of inmates to other penitentiaries in order to create the necessary bedspace. Such transfers would add to the cost of confining the enemy combatants and would impose significant additional challenges on our agency (based on the level of crowding in all high-security BOP institutions).

Due to the unique status of enemy combatants and the probable lack of information about these individuals' histories of violent behavior or disruptive activities, it is unlikely that we would house these detainees with inmates in the general population of high-security institutions (with inmates serving sentences for Federal crimes and District of Columbia code offenses). Therefore, if transferred to BOP custody, these enemy combatants would most likely be confined in special units, segregated from the general inmate population. It is also likely that many of these individuals require separation from other enemy combatants. This kind of confinement is comparable to special housing units in BOP institutions (which are used for administrative detention and disciplinary segregation). These units are more costly to operate than general population units due to the increased staffing and enhanced security procedures needed for inmates who have separation requirements and/or who are potentially violent or dangerous.

The management of inmates in special housing units presents additional challenges due to the increased security required for these individuals. It would be even more challenging to confine enemy combatants who would likely have additional restrictions or requirements dictated by the Department of Defense. We are unsure how our inmate management principles, which focus on constructive staff-inmate interaction, maximum program involvement, and due process discipline would fit into the Department of Defense's requirements for the enemy combatants.

While it is not entirely clear where the BOP's obligations would begin and end with regard to the provision of basic inmate programs and services, we foresee the need for some special or enhanced services in order to provide the basic necessities to these enemy combatants. We would need to acquire translation services or transfer appropriate bilingual staff for us to communicate our expectations to these individuals and to allow these detainees to communicate their needs and concerns to us. We would need these translation services in order to provide appropriate visiting, telephone, and correspondence privileges to the detainees and, if required, to monitor these communications. We also would likely need to make accommodations with regard to our food service and religious programs to meet the cultural and religious requirements of these detainees.

I hope this helps you understand our concerns regarding the confinement of enemy

combatants. Please contact me if I can be of any further assistance.

Sincerely,

HARLEY G. LAPPIN,  
*Director.*

Mr. HATCH. Mr. President, I point out also that in a recent report, U.S. officials said the Taliban's new top operations officer in southern Afghanistan is a former prisoner at the Guantanamo detention center.

Pentagon and CIA officials said Abdullah Ghulam Rasoul was among 13 prisoners released to the Afghan Government in December 2007. He is now known as Mullah Abdullah Zakir, a name officials say is used by the Taliban leader in charge of operations against United States and Afghan forces in southern Afghanistan.

One intelligence official told the Associated Press that Rasoul's stated mission is to counter the growing U.S. troop surge. I wished to put that in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I inquire of the Chair, I was scheduled to speak after the Senator from Ohio. I understand he is not ready to speak yet and that it is permissible if I take some time now.

The PRESIDING OFFICER. The Senator is recognized.

Mr. INHOFE. First of all, before I get into what I want to talk about, I have been listening to the Senator from Utah. I find it to be very interesting because his subject matter is also a mission of mine. I think a lot of people have not realized the problem we have with the bum raps given to Guantanamo Bay, and almost all of them are by people who have not been there. To my knowledge, almost without exception, those people who have gone down there—newspapers and publications making accusations of torture and human rights violations—once they go there and see it, you never hear from them again, and that includes Al-Jazeera and some of the Middle Eastern publications. I believe we have a problem with people who have somehow brought forth this idea that there have been abuses that haven't taken place. I think probably the most important part of the argument is that there is not another Guantanamo Bay; there is no place you can put these detainees.

As I said in my question to the Senator from Utah, what are we going to do with these some 245 detainees if they are not there? Also, with the escalation of activity in Afghanistan, what will we do with those detainees whom we will capture? The problem is, some people say they will be put in prisons in Afghanistan. There are two prisons there; however, they have said they will only take Afghans. If the terrorist who is caught is from Djibouti or Yemen or Saudi Arabia, there is no place else to put them other than Guantanamo Bay. It is a resource we need to have. We don't have a choice.

I believe our President was responding to a lot of activists who were upset

because during his inaugural address he didn't say anything about this, so they are making demands that he stop any kind of legal activity that is going on in the way of trials or tribunals and then close it in 12 months. You cannot do that until you determine how you are going to take care of the detainees who are currently there and those who will be there.

I feel strongly we are going to have to look out after the interests of the United States. Nothing could be worse than to take 15 to 17 installations within the continental United States and put terrorists there, only to serve as magnets for terrorist activity.

Mr. President, I ask unanimous consent to speak as in morning business for as much time as I may consume.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### GLOBAL WARMING

Mr. INHOFE. Mr. President, some things have happened recently regarding one of my favorite subjects, and that is global warming. Way back in the beginning of this issue—to give you a background, since the occupant of the chair wasn't here at that time—the Republicans were the majority, and I was chairman of the Environment and Public Works Committee. We were within inches of ratifying the Kyoto Treaty.

Similar to everybody else, I assumed that manmade gases were causing global warming. Everybody said they did. The Wharton School of Economics came out with the Wharton Econometric Survey. They said it would cost—if we were to sign the Kyoto Treaty and live by the emissions requirements—between \$300 billion and \$330 billion a year. That was the range. That would be the result. It is something I looked at.

We started looking at the science, only to find out there is a lot of intimidation in the scientific community and most of this was originally brought by the United Nations. I have been one of the critics of the U.N. and a lot of things they do and don't do. If you will recall, when this first started, it was the U.N. IPCC, Intergovernmental Panel on Climate Change, that came up with the idea that manmade gases—CO<sub>2</sub>, methane—were the cause of the global warming.

Now, since that has been proven not to be true, and we are now in a cooling spell, they are trying to change the term to "climate change." We are not going to let them do that. It has always been "global warming." We looked at the science. We had bills coming up on the floor that would have addressed this. One was in 2005. At that time, I was kind of alone on the floor for 5 days, 10 hours a day, to try to explain why we could not impose the largest tax increase in history on the American people. So in looking at the cost of this thing, we started hearing