



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, APRIL 30, 2009

No. 65

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

### PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Chaplain MAJ Jonathan Etterbeek, from the 32nd Medical Brigade at Fort Sam Houston, TX.

The guest Chaplain offered the following prayer:

Will you pray with me, please.

Almighty God, I ask Your blessing upon today's session of the Senate. Grant Your guidance and wisdom upon our legislators and their staffs in their decisions and deliberations. Let this legislative body exemplify the value-based, principle-centered leadership that is reflective of the diversity and inclusivity of the American people. Let integrity and personal courage be the hallmarks of their selfless service to the Nation.

Lord, I ask a special blessing upon our military children with autism during this month of the Military Child and National Autism Awareness Month. Let us honor the sacrifices of our military parents by providing the best possible care for our military children, especially those who suffer from autism. Spiritually edify us to live justly, to love mercy, and walk humbly with You, O God.

In Your Holy name I pray. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Madam President, following the remarks of the two leaders, the Senate will be in a period of morning business for up to an hour. Senators will be allowed to speak during that time for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the next 30 minutes.

Following morning business, the Senate will begin consideration of the mortgage foreclosure and enhancement mortgage credit legislation. Senator

DURBIN will be recognized to offer an amendment with reference to mortgage modification—the bankruptcy provision. There will be up to 4 hours of debate on that issue equally divided. There will be an affirmative 60-vote threshold on that amendment. Senators, therefore, should expect the first vote between 2:30 and 3:30 this afternoon.

Upon disposition of that amendment, Senator DODD will be recognized to offer a Dodd-Shelby substitute amendment. The Senate will then proceed to executive session to consider the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife. There will be up to 3 hours for debate with respect to the Strickland nomination, 1 hour for the majority, 2 hours for the Republicans, with Senator BUNNING controlling 30 minutes of Republican time. Confirmation of the Strickland nomination is also subject to an affirmative 60-vote threshold.

### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### OBAMA GUANTANAMO POLICY

Mr. McCONNELL. Madam President, today the Secretary of Defense and the Secretary of State will appear before the Appropriations Committee to support the administration's request for funding to execute our combat operations in Iraq and Afghanistan. They will be explaining the need to expend more than \$80 billion in our efforts to defeat the Taliban, al-Qaida, and to preserve our security gains in Iraq.

The administration's request also includes \$80 million to close the secure detention facility at Guantanamo Bay. Yet rather than appear before the Senate to explain why these funds are necessary, and what the administration

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S4907

plans to do with the terrorists housed at Guantanamo, Attorney General Holder chose to deliver a speech in Berlin yesterday in which he reiterated the administration's intent to close it.

During that speech, Attorney General Holder acknowledged once again that Guantanamo is "run in an efficient, professional manner." He said detainees there are treated humanely. Yet Guantanamo must be closed, he said, because it represents, as he put it, a time and an approach that we want to put behind us. And keeping this so-called symbol open "makes America less safe" and makes our friends, including Europeans, "less secure."

It is clear from these remarks that the administration is putting symbolism ahead of safety. This becomes even more apparent from Attorney General Holder's admission that closing Guantanamo will be "one of the most daunting challenges" he will face. He clearly realizes what most Americans realize: closing Guantanamo is not a good option if no safe alternatives exist.

In an effort to circumvent this dilemma, Attorney General Holder says the U.S. will not only transfer detainees but also release some of them and try others in Federal court. Nowhere did the Attorney General mention the use of the military commissions process that Congress passed on a bipartisan basis at the direction of the Supreme Court. The Attorney General's comments present a whole range of new problems and potential dangers that some of my colleagues will detail throughout the day.

Attorney General Holder also failed to address recent news reports that the administration was considering releasing Guantanamo detainees into American communities. On April 2, Senator Sessions sent the Attorney General a letter asking him what legal authority the administration has to release detainees who have participated in terrorist-related activities into the United States. The Attorney General still has not responded to Senator Sessions. But it is a question the American people want answered right away.

This weekend I will be attending the Kentucky Derby with well over 100,000 Kentuckians and other Americans, and if I asked every one of them if they thought sending terrorists to our neighborhoods was a good plan, I would get more than 100,000 resounding "noes."

Since the administration has not given any indication where it plans to put the 240 terrorists currently housed at Guantanamo, the Attorney General was asked in Berlin if any of the detainees could be put up in hotels. According to the Associated Press report on the meeting, the Attorney General joked that "hotels might be a possibility, it depends on where the hotel is."

The question of where the terrorists at Guantanamo will be sent is no joking matter—and the administration

needs to tell the American people how it will keep the terrorists at Guantanamo out of our neighborhoods and off of the battlefield. Its one thing not to have a plan. It is another to joke about not having one.

### HONORING OUR ARMED FORCES

SERGEANT DAVID K. COOPER

Mr. McCONNELL. Madam President, the Nation and the Commonwealth of Kentucky are poorer today for the loss of SGT David K. Cooper of Williamsburg. On August 27, 2008, Sergeant Cooper was tragically killed when his dismounted patrol came under small-arms fire in Iraq. He was 25 years old.

Sergeant Cooper was in his third tour in Iraq. For his bravery in uniform, he received several medals, awards and decorations, including the Army Good Conduct Medal, the Purple Heart and the Bronze Star Medal.

Sergeant Cooper was laid to rest at Bowlin Cemetery in Jellico, TN, about 10 miles south of Williamsburg. Ed Bailey, a friend who watched him grow up, said of Sergeant Cooper, "I don't know where our country keeps getting these heroes."

Ronald and Judy Cooper, David's parents, could tell you. They fondly remember David, who was born in Whitley County and raised in Williamsburg, as a fun-loving kid who enjoyed football, track and playing in the school band.

"David seemed to go straight from being a little boy at 11 to being a man at 12, full facial hair and all," says his mother, Judy. "David played junior-high football. The coach had David and one other player like him. Coach had to carry a copy of these two players' birth certificates to prove they were not over age for junior-high football."

David went on to play defensive end and tight end on his highschool football team, the Williamsburg Yellow Jackets. One friend who played with him, Steven Moses, still remembers David as "hard as heck to block."

David had many friends, who called him by the nickname "Coop." As for David's friends, they all seemed to have the same first name—"My Buddy."

In a eulogy she wrote with David's sisters, Veronica and Vanessa, and graciously shared with me, Judy recalls what David would call his friends: "My Buddy Matt, My Buddy Chapman, My Buddy Black."

Once when David went out with his friends to cut down their own Christmas tree, he demonstrated that he barely knew his own strength. The group borrowed a parent's truck, went out and cut down a big beautiful cedar.

"David was always a big, strong man, even in high school," says Judy. "As they were loading the tree, one of the branches got stuck on the tailgate. David and one of his friends got up into the truck, gave a mighty heave, and pulled the tree up into the bed of the truck and straight through the back window."

David graduated from Williamsburg High School in 2001 and attended Eastern Kentucky University. In May 2004, he enlisted in the Army.

Roddy Harrison, the mayor of Williamsburg and David's former teacher and high school football coach, remembers seeing David soon after he enlisted and telling him how proud he was of him. "He was a smart kid," Mayor Harrison recalls. "A good student, very likable. He had a great sense of humor. . . . We are going to miss him."

David attended basic training at Fort Sill, OK, and advanced individual training at Fort Sill and Redstone Arsenal in Alabama. By 2005, he was assigned to Golf Forward Support Company, 4th Battalion, 42nd Field Artillery, 1st Brigade Combat Team, 4th Infantry Division, based out of Fort Hood, TX. He was soon deployed to Iraq and served as a radar repair mechanic.

David's commanding officer in Iraq, CPT Christopher M. Guillory, wrote to Judy about her son. "I usually called him Coop; [he] called me 'sir' or 'Captain G,'" he wrote. "Whether it was at Chapman's house while they were working on trucks, the drag strip, or at the monster truck shows, he was always respectful to me while we had a great time. David was a great young man, who had shown a great deal of maturity in the time I knew him."

In Iraq, David served as a command team driver and company armorer. He was selected to serve on his command sergeant major's personal security detail for his tactical knowledge and record of performance.

When home on leave, David would tell his childhood friend Matt Mountjoy about the excitement of serving in the Army. He knew the dangers but was unafraid to face them. "He really was a brave person," Matt says. "I never, never heard him say he was ever scared."

His mother Judy remembers that after David's death, a group of his friends came to visit her and share stories about her son. The stories mostly began, "You remember that time when me and you and Coop . . ." Judy says. "They were all funny, most of them dangerous. . . . Were they funny at the time? No. Where do you think I got all of these gray hairs and wrinkles? But time does give us perspective."

David's many friends and family members are in our thoughts as we remember him today. We are thinking of his wife, Amanda Fuston Cooper; his parents, Ronald Cooper and Judy Parrot Cooper; his sisters, Veronica Cooper and Vanessa Cooper, and Vanessa's fiancé Dave Seeger; his grandparents, Wanda and E.L. Cooper; his aunts, Jenny Beglitti, Janice Rutherford, and Joyce Dippel, and Joyce's husband Marty; his uncles, Steve Cooper and John Parrot, and John's wife Sonya; and many other beloved friends and family members.

All of those who knew him will remember a man of many fine qualities, including honesty. His mother Judy