

That is why I rise to introduce legislation that will ensure these baby products are safe and that parents have the information they deserve. The Safe Baby Products Act will require the FDA to investigate the safety of baby products, publicly report the findings, and establish manufacturing practices that will reduce or eliminate any harmful chemicals. While there are no known cases of any disease directly linked to these products, what the legislation will do is require the FDA to test the safety and then report the findings so all of us can rest assured the products we use are safe. This commonsense legislation will ensure that we have all the facts we need about lotions and soap products because parents deserve to know.

This legislation will ensure transparency and accountability in this all-important consumer products market. The United States has a great history of taking steps to safeguard our kids. There is an important tradition of child and product safety laws.

As a mother of two young sons, I understand there is no duty greater for the Federal Government than to protect those who are most vulnerable among us. Other countries have taken leadership. The EU and Canada have banned dioxane in cosmetic products and have regulations for formaldehyde. Japan and Sweden have banned formaldehyde. The Israeli Health Ministry has banned the sales of U.S. baby products with carcinogenic chemicals.

All parents want the best for their kids. Our Government must not fail to protect our youngest and those who need our protection the most. This legislation will ensure that all of our parents have the information they need to keep our children safe.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever remaining time there is on the Democratic side be preserved in the event that another Democratic speaker would want to speak in morning business.

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

Mr. KYL. I will begin the Republican side at this time.

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

CLOSING GITMO

Mr. KYL. Madam President, President Obama has set an arbitrary deadline of January of 2010 to close our prison at Guantanamo Bay. There is currently no plan on how to accomplish that. Nevertheless, the President has requested \$80 million in a supplemental appropriations bill to accomplish it. The question is, before we approve \$80 million for this purpose, should we not know what the money is going to be used for? We are not in the business of appropriating large sums of money without having any idea of

what is going to happen to the money. There are a lot of questions, but there are virtually no answers.

This facility is virtually brand new. It is a \$200 million state-of-the-art prison. I have not heard that any of the money is going to actually go to shutter the facility. That would be very strange, indeed, since I gather even if all of the terrorists were removed from it, there would still be a reason to have that prison so that it could house others. So what is the money going to be used for?

We have not heard that any other country has agreed to take these prisoners. I think France was willing to take one. But presumably very little of this \$80 million is going to be used to pay other countries to take these prisoners. So what is the money going to be used for?

Obviously, we will not release them into society. I heard one wag talking about the possibility that they would be given some money and turned loose and directed to make the best of their new life. That, obviously, makes no sense. I haven't heard that any of the \$80 million would be used for that purpose.

What could it be used for? Well, I guess the only other option would be these people would be transferred to other prisons, either State prisons or maybe a Federal or a military prison. I will go into why that is not a good idea in a moment. But I suppose some of the money could be used to pay a State prison, for example, or to provide funding for a Federal prison, even though they are already funded, and I am not sure why they should need the additional money. But maybe they need additional security, for example. Perhaps some of the money could be used for that.

Why the number \$80 million? Where did that number come from? Is there a plan, and we have not been told about it yet? There are a lot of questions that have to be answered before I am willing to vote to spend \$80 million—or not spend it but to authorize \$80 million to be spent but on what I do not know.

Let's understand that the reason these terrorists are at Guantanamo Bay—there are two reasons. No. 1, these are the worst of the worst. These are extraordinarily dangerous people who have all said that if given half a chance they will kill Americans or anybody else with whom they disagree. The second reason is, this facility keeps them in a place where they are safe but also we are safe from having the facility attacked in order to release them or to have the guards or the prison officials put into jeopardy as a result of the proximity to terrorists who could have access to them.

Guantanamo Bay is not a place where terrorists can easily get access. As a result, it is the perfect place to keep these kinds of dangerous criminals. We have already let a lot of the people at Guantanamo Bay free because we judged they were not a danger

any longer. Unfortunately, we were wrong about many of them. There are well over 30—and I think the number may be over 50 by now—who we actually have information have returned to the battlefield. Some of them, we know, have been killed, some have been captured again, and we know some have gone right back to committing terrorist atrocities. These are people who we thought were rehabilitated or were not terrorists in the first place.

Now we are talking about roughly 240 or 245 who we know are very dangerous if they were ever to be released. What can be done with them? We cannot release them back to the battlefield. We cannot take them to some country such as Switzerland and turn them loose and say: Well, go wherever you want to. Other countries do not want to take them. You cannot turn them over to countries that we believe will obviously mistreat them or will turn them loose.

The only other option I can see is they would be put in some American prison. Think for a moment about that. One reason the prison guards at Guantanamo do not wear any identification is because they do not want these terrorists to know who they are. If they did, it would be possible to locate their families back in the States and to threaten them or actually do harm to them. This is not hard.

If they are transferred to the State prison in Arizona, let's say, what would have to be done there? Well, everybody knows who the warden of the State prison is in Arizona. Is that person and the family going to be jeopardized as a result of the fact that person is in charge of the Arizona prisons? Obviously, all the guards would have to have the same kind of training that our very capable people at Guantanamo have received. This would cost extra money. They could not be identified in any way to these individuals. The facilities would probably have to be hardened in order to ensure there could be no escape.

But as we found in both Afghanistan and Iraq, when terrorists are aware—and I believe this may have happened in Pakistan, though I could be corrected—when terrorists are aware their colleagues are being held in a facility, they make plans to try to spring them and they attack the facility and they try to hold hostages so they can trade for their colleagues who are in the prison.

Is that what we are going to expose Americans to in our communities? These are the kinds of things that have not been thought through and, obviously, have to be thought through. When somebody says to me: Will you vote for \$80 million to close the prison at Guantanamo? I am going to say: Tell me what the \$80 million is going to be used for. Tell me what the plan is and then I will think about it.

Let me mention—I said before these are the worst of the worst. They include 27 al-Qaida leaders, including the

mastermind of the September 11 attacks, key al-Qaida operatives, and Osama bin Laden lieutenants, as well as the orchestrator of the attack on the USS Cole, which killed 17 American sailors. In total, I believe there are 241 terrorists who remain under military guard at Guantanamo—those who have been identified as too dangerous to be released.

The Attorney General, about a month ago, said about these detainees—and I am quoting now—for “people who can be released, there are a variety of options that we have and among them is the possibility that we would release them into this country.”

“Release them into this country”? I cannot imagine the American people being willing to do that.

Senator MCCONNELL asked a question of the Attorney General. He said: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist training or belongs to a terrorist group?

It would be against U.S. law, as well as extraordinarily foolish, to release these people into this country, as the Attorney General intimated. As I said before, transferring them to facilities within our borders would create new terrorist targets.

The Senate has already spoken to this issue. In July of 2007, the Senate voted 94 to 3 that Guantanamo detainees should not be transferred stateside into facilities in American communities and neighborhoods.

So I repeat the question: Where will they go? European nations have said they will not take any of the terrorists because they cannot be integrated into their societies. Well, that is an understatement, to say the least.

Obviously, repatriating them to their native country has proven to be extraordinarily difficult too. That was obviously plan A. But these countries either, A, do not want them; B, could not take care of them; or, C, we believe would mistreat them.

We learned a lesson on repatriation in the case of Said Ali al-Shihri, who was returned home to Saudi Arabia after his release from Guantanamo. He promptly fled to Yemen. He is now a top leader of al-Qaida’s Yemeni organization. Yemenis, interestingly, make up the largest population of Guantanamo prisoners. But Yemen has been the hardest country to engage on this issue. Even if it agreed to U.S. demands, it might not be capable of honoring them.

In fact, there are many areas of Yemen today that are very poorly governed. Its borders are porous. I do not think there is any confidence that if prisoners were released to Yemen, they would not immediately go back to the battlefield and we would be facing them again.

We should also keep in mind the conditions at Guantanamo are very good.

Everyone who has visited there, I think, has agreed that the detainees are well treated, that they are exercised regularly, fed culturally and religiously appropriate meals, get medical and dental benefits—most far superior to any they had received before that in their life. They have access to mail, a library, are free to practice their religion. The International Committee of the Red Cross has unfettered access to monitor detainees.

It is not as if, in this particular facility, they are being mistreated. In fact, in this particular facility, they probably could be treated better than being returned stateside to some existing prison that would have to be modified in order to provide this kind of treatment for them.

I know of no better alternative than their current incarceration at Guantanamo. They are dangerous people who were picked up on the battlefield or in situations where we have very good reason to believe they are terrorists, that they would engage in terrorism or support terrorism if they were released.

We, obviously, are committed to moving forward because of the President’s commitment. I believe the Congress will be willing to work with the President on this very difficult situation. But if the President is going to ask the Congress for money, then the President has to be able to share with us what his plan is, and we will try to help. What I do not think we will do is agree, as the Attorney General suggested, to release them into the United States.

I think it will be extraordinarily difficult to house them in some prison in one of our communities. We clearly have not been able to talk our allies into taking them. It is very difficult to return them to other countries because of the potential they would either be mistreated or immediately go back to the battlefield.

The President has committed to doing something, in my opinion, without thinking through carefully the consequences of the decision and the difficulty of implementing the decision.

To the extent he needs help from Congress, he needs to bring us into the discussion and share with us what he intends to do. Because we are not—as the vote before the Senate clearly indicated—we are not going to endorse a blank check on this and say: Fine, Mr. President, whatever you want to do, even though it could have an adverse impact on our communities or on our country.

That is why, despite the fact there are very good reasons to support other aspects of the supplemental appropriations bill that has been proffered to the Congress, this particular piece has to be modified. Either the President has to make clear what he intends to do with the \$80 million, explain to the American people how he intends to move forward on this, or he should defer.

The supplemental appropriations bill, after all, is merely an emergency amount of money that may be needed in a place such as Iraq, Pakistan or Afghanistan, prior to the regular appropriations process taking place. If the President can suggest to us there is some emergency need for this money, then, obviously, we can consider that. But absent that, there is no reason to put it in the supplemental appropriations bill—a bill we need to pass because of the emergencies that do exist in places such as Pakistan, Afghanistan, and Iraq.

But short of explaining to us what he wants to do with the \$80 million, I do not think this is something the Congress is going to be willing to include in the supplemental appropriations bill.

I would say this to the political operatives who sometimes get involved in these issues: Do not think that you can blackmail the Senate into supporting something such as this because of the urgency of getting the rest of the funds out into the field. Yes, those funds are important. But I think every one of our constituents would rightly be extraordinarily critical of any Senator who simply agreed *carte blanche* to appropriate \$80 million if that meant these prisoners could be released into their communities or even be put behind bars in their communities. We have already spoken out against that, so that should not be part of the plan.

I think it is very important the President understands the Senate cannot approve a bill that has this kind of appropriation in it without bringing us into the process, getting our counsel as to how to deal with the problem, and then ask for our support for the funding to execute that particular plan.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

WORLD PRESS FREEDOM DAY

Mr. MARTINEZ. Madam President, this Sunday, individuals around the world will mark World Press Freedom Day by recognizing the plight of journalists in nations where their rights are not accorded under the law.

Sadly, this includes many living in our own hemisphere.

In Cuba, the repressive regime has gone to great lengths to extinguish freedom of the press, freedom of expression, and independent thought.

Many have had their homes invaded, their families blacklisted, and their lives ruined for merely reporting the facts about the reality of Cuba under the Castro brothers’ dictatorship.