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Senate

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

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You know all about us. You know when we sit down and when we rise up. You know when we sin and when we obey. Give us Your Holy Spirit to purge us from every wrong thing, that our lives will glorify You.

Today, guide the steps of our lawmakers. Help them to run when they can, to walk when they ought, and to wait when they must. Open their minds to discern Your will and make them ready to do it. In everything, do through them what is best for our Nation and the advancement of Your kingdom in our world.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. 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, May 14, 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 E. 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.

SCHEDULE

Mr. REID. Madam President, following the remarks of Senator MCCONNELL and myself, there will be a period of morning business for up to an hour. Senators will be allowed to speak for up to 10 minutes each, with the exception of Senator FEINSTEIN, who will control the full 30 minutes on the Democratic side. The next 30 minutes will be under the control of the Republicans. Following morning business, the Senate will resume consideration of the credit card legislation.

Last evening, I filed cloture on the substitute amendment and on the underlying bill. That was under rule XXII. Because of that, the filing deadline for germane first-degree amendments is at 1 p.m. today. I hope we can reach agreement to have that cloture vote today. It is scheduled for the morning. If we can't do it in the morning, we will have to do it Tuesday morning because of the Senate schedule. If we complete that cloture vote tonight, we would be able to finish the germane amendments Tuesday morning and move on to other matters we have to do next week before we take our Memorial Day recess. We want to be able to leave here, if at all possible, on Thursday of next week. People have things scheduled. But we may have to work into Friday. I hope not. I hope we

don't have to work into Saturday. But we have to do this credit card legislation, the financial fraud. We have been in contact with Republicans. They will have a number of amendments. They want it to come back from the House. There will be some amendments in order. I have spoken to the Republican leader on that, and they are going to try to get us those amendments as quickly as possible. Hopefully this morning we can set that up to complete that legislation quickly.

Then, of course, we have to do the supplemental appropriations bill. I hope that is not going to be controversial. It will be marked up in the Senate today, and then we will have the ability to look at what the House and Senate did before it comes to the floor here.

There are a number of issues that will be discussed. I hope there aren't any that should take a lot of time, but we will see.

That is our workload this work period. I hope we can work through this, as much as we can get done today. If not, we can complete a lot of the work on tomorrow and Monday even though there will be no votes on those days.

RECOGNITION OF THE MINORITY LEADER

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

GUANTANAMO

Mr. MCCONNELL. Madam President, last night we learned that the supplemental war spending bill the Senate will take up contains \$80 million to be used for closing Guantanamo. But the language of the bill acknowledges what Republicans have been saying for months: The administration has no plan to safely close this secure detention facility.

Closing Guantanamo without a safe alternative would be irresponsible,

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



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dangerous, and unacceptable to the American people. Americans are worried that closing Guantanamo by an arbitrary deadline won't keep them as safe as Guantanamo has. They are particularly worried about the administration's reported plan to transfer some detainees to detention facilities right here on American soil. State and local officials in places such as Louisiana, California, Virginia, and Missouri have been introducing resolutions to keep terrorists from coming to their communities.

One look at the experience that Alexandria, right across the river here, had a few years ago during the trial of 9/11 conspirator Zacharias Moussaoui makes it easier to see why all these communities are so concerned. Moussaoui was just one terrorist. Yet the effect his presence had on the city of Alexandria was enough for the city's current mayor to state emphatically that he is absolutely opposed to relocating prisoners from Guantanamo to Alexandria. "We had this experience," he said recently. "Let someone else have it."

According to press accounts, housing Moussaoui turned parts of Alexandria into a virtual encampment. Every time he was moved to the courthouse, he was transferred in a heavily armed convoy that shut down traffic and locked down the surrounding community.

One security expert recently told the Washington Post that housing detainees from Guantanamo would likely be even more complicated than it was for Moussaoui, with more locations for security personnel to cover and even more snipers.

According to the same Post article, one of Moussaoui's lawyers said that bringing just two or three Guantanamo detainees to Alexandria would be a "major headache." Alexandria's sheriff has warned that multiple detainees could "overwhelm the system."

Based on the Moussaoui experience, local business owners in Alexandria also think the arrival of detainees from Guantanamo could be a serious drag on commerce. But even more worrisome for residents is the concern that housing detainees in Alexandria could invite terrorist attacks.

I ask unanimous consent to have the Washington Post article I am referring to entitled "Security Worries in the Suburbs, Possible Move of Terrorist Suspects to Alexandria for Trial Raises Outcry" printed in the RECORD.

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

[From the Washington Post, Mar. 25, 2009]

SECURITY WORRIES IN THE SUBURBS

(By Jerry Markon)

An outcry is growing in Alexandria over a prospect no one seems to like: terrorist suspects in the suburbs.

The historic, vibrant community less than 10 miles from the White House markets itself as a "federal friendly zone." But it has turned decidedly unfriendly to news that the Obama administration might move some de-

tainees from their highly controlled military fortress at Guantanamo Bay, Cuba, to Alexandria to stand trial at the federal courthouse.

"We would be absolutely opposed to relocating Guantanamo prisoners to Alexandria," Mayor William D. Euille (D) said. "We would do everything in our power to lobby the president, the governor, the Congress and everyone else to stop it. We've had this experience, and it was unpleasant. Let someone else have it."

The 2006 death penalty trial of Zacarias Moussaoui, who was convicted of conspiring in the terrorist attacks of Sept. 11, 2001, turned the neighborhood into a virtual encampment, with heavily armed agents, rooftop snipers, bomb-sniffing dogs, blocked streets, identification checks and a fleet of television satellite trucks.

President Obama has vowed to close Guantanamo by January, and the government is reviewing files on the roughly 240 detainees. The administration has strongly indicated that some will be transferred to federal courts, and a senior Justice Department official recently named Alexandria, along with Manhattan, as possible destinations.

Alexandria Sheriff Dana A. Lawhorne, who operates the city jail, said federal security requirements for housing suspects could "overwhelm the system" if multiple detainees are brought there.

City officials and some legislators are concerned that terror trials would take years, shut down roads and cost millions and could invite attacks from terrorist sympathizers. Business owners in the dense area around the courthouse—newly filled with hotels, restaurants and luxury apartments—fear disruptions amid a declining economy.

Local officials acknowledged that they cannot control the docket at the federal courthouse and said they would work with the Justice Department to minimize problems. But the resistance in Alexandria, one of the few places known for handling high-level terrorism and national security cases, illustrates some of the practical complexities facing the president's plan to shutter the controversial detention facility.

The Guantanamo detainees include the five accused planners of Sept. 11, among them former al-Qaeda operations chief Khalid Sheikh Mohammed. Putting detainees on trial in Alexandria would mean moving them from an isolated island prison 90 miles from Florida to a neighborhood brimming with residents, thousands of federal employees and the new Westin Alexandria Hotel 190 feet from the courthouse door.

"It would be a disaster," said Rep. Frank R. Wolf (R-Va.), who co-sponsored legislation to ban the use of federal funds to transfer detainees to Virginia detention facilities, one of at least 10 similar bills filed by Republicans nationwide. In a March 13 letter to Attorney General Eric H. Holder Jr., Wolf questioned how officials would protect the community.

Dean Boyd, a Justice Department spokesman, said the administration is reviewing how to handle Guantanamo detainees. "It's far too early to speculate on the final disposition of any particular detainee at this time, much less begin speculating about potential judicial districts for prosecution," he said. He declined to comment on Wolf's letter.

Matt Branigan, president of Fairfax-based Watermark Risk Management International, said that the security could cost millions and that a courthouse in a less-populated area would be safer than Alexandria.

"The concern is that someone from the terrorist side of things would want to make some statement in conjunction with the trials," said Branigan, a former senior Air

Force anti-terrorism officer. He said the new development in the area "makes the security plan much more complicated. You have more locations to cover, more roofs to lock down with snipers."

When the Alexandria jail, an eight-story red-brick building adjacent to the Capital Beltway near the Woodrow Wilson Bridge, opened in 1987, the area had been a city dump.

"The idea wasn't that you were going to house terrorists," Lawhorne said. "It was a local jail."

The 10-story federal courthouse opened a few blocks away in 1996 in what had been a field of mud. The chief judge brought bag lunches to work because there were so few restaurants nearby.

Major terror trials were held in Manhattan in those days, but Alexandria became the Bush administration's courthouse of choice after hijacked airplanes slammed into the World Trade Center and the Pentagon. Northern Virginia jurors and judges were considered more conservative, and officials thought the area was more secure.

By early 2002, about a dozen terrorist suspects were held at the jail, which by contract accepts up to 150 federal inmates, and more if it can. Moussaoui, who spent 23 hours a day inside his 80-square-foot cell, was constantly monitored and never saw other inmates. An entire unit of six cells and a common area was set aside just for him.

"It was a real hassle," said Alan Yamamoto, one of his lawyers. "Bringing even two or three or four people over there is going to be a major headache."

Lawhorne said he would discuss any requests to hold Guantanamo inmates with city officials.

"It would be a very extremely high-risk situation for us. . . . My first obligation is to protect the interests of the city," said the sheriff, who added that he would do what he can: "You can't run the other way when your country calls."

The 450-inmate jail was locked down every time Moussaoui was moved to the back of the nearby courthouse in a heavily armed convoy. Traffic was stopped as snipers watched from rooftops. The route from the jail is much denser today.

On a single block behind the courthouse, there is a luxury 326-unit apartment complex with a Fed Ex/Kinko's, cleaners and cafe on the first floor; an office building with room for ground floor retail; another office building; and a Marriott Residence Inn. All opened within the past 18 months.

Pramod Raheja, owner of Intelligent Office on the ground floor of one building, said he would "strongly oppose" bringing Guantanamo detainees to the neighborhood.

Directly in front of the courthouse, in a thriving community near Old Town known as Carlyle, the Westin anchors a virtually all-new block with a coffee bar, an upscale restaurant, a condominium complex with units costing more than \$1 million and a Thai restaurant. A Starbucks is opening this month. The new U.S. Patent and Trademark Office complex, with more than 7,000 employees, starts on the next block.

"I've never agreed with people who say 'not in my back yard,' but there are just too many people around here," said Jim Boulton, president of the unit owners association at the Carlyle Towers condominium complex, which has been trying to get the government to remove security barriers left over from the Moussaoui trial. "They need to find someplace else."

Mr. McCONNELL. The problems that one terrorist caused for Alexandria could be duplicated in any city or town to which detainees from Guantanamo

are sent. Although the administration hasn't given us any details on which cities or towns they might choose, we can imagine what they could look forward to, based on Alexandria's experience with Moussaoui. So here is what a community would have to experience: heavily armed agents patrolling local neighborhoods, rooftop snipers, streets locked down and access to local businesses cut off, identification checks and bomb-smelling dogs checking cars, millions of dollars in cost and strained local resources. That is what you get when you have a terrorist in your hometown. Kentuckians don't want to live under these conditions. I doubt any other American would either, especially if we consider that any community that becomes a home to these detainees could have to endure these conditions for literally years, given the possible length of terror trials.

Some of the other locations that have been mentioned as possible destinations for the terrorists at Guantanamo include facilities in South Carolina and Kansas. One local official in South Carolina responded to the possibility by saying he didn't have the police resources to deal with an influx of terrorists from Guantanamo. An official in Kansas said Guantanamo detainees would significantly tax his police resources.

The administration claims that closing Guantanamo and transferring some detainees to U.S. soil would make the American people safer. It is hard to understand that statement. But based on the experience of Alexandria, it is easy to see why many Americans are skeptical. The administration has said that when it comes to Guantanamo, its highest priority is the safety of the American people. But safety is our top concern. The administration should rethink its plan to transfer terrorists to American communities.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the Senator from California, Mrs. FEINSTEIN, controlling the majority time and the Republicans controlling the second half.

The Senator from California.

(The remarks of Mrs. FEINSTEIN and Mr. SCHUMER pertaining to the introduction of S. 1038 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. FEINSTEIN. Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWBACK. Madam President, I applaud my colleague from California for raising this issue. This is one that has been here since I have been here, and we have seen it a number of times and we are seeing the effects of this. I applaud her leadership in bringing this forward. It is a serious issue. It is a serious matter. It is one that has significant consequences to our overall economy across the country—in California, in Kansas, my State—in New York, and other places.

GUANTANAMO

Mr. BROWBACK. Madam President, I rise to address an issue that is front and center for us. It is the Guantanamo Bay detainees. Tomorrow I will be leading a congressional delegation to Guantanamo to look at the facility there. We will bring this issue up—it will be up next week in the supplemental appropriations bill—the effort of the administration to close Guantanamo Bay, which most of the American public do not support. I realize it is quite popular in Europe to close Guantanamo Bay. I would hope we would start to get a more factual setting on this issue.

I would also hope, and I would invite the administration to engage all of us here in the Senate—certainly I am willing to be engaged—about what we can do with the detainees. They need to be treated humanely. They need to be treated appropriately under international conventions. They do not need to be brought to the United States.

We do not have a facility in the United States to be able to hold these detainees in a way and in a situation that would be safe for the people of the United States. We are not prepared to release these detainees because we have found so many of them back on the battlefield after they have been released. So there is a quagmire that exists as a result of the administration's efforts to close Guantanamo Bay to please foreign detractors who I don't believe will be pleased, even if the facility is closed. They will complain about the next facility. I would invite them to work with us—the administration to work with us—to come up with an acceptable solution to this difficult problem. I stand ready and willing to do that.

To borrow a phrase from Winston Churchill, the administration's detainee policies seem to me to be a riddle wrapped in a mystery inside an enigma. The administration started with a confident announcement that military commissions would end and Guantanamo's detainee facility would be closed. But according to a report in Saturday's Washington Post, the administration is preparing to restart military commissions.

That same report, however, also cited an unnamed lawyer who said that the

new commissions would be held on American soil, probably at military bases. Such a move would be a first step toward permanent transfer of detainees to the United States. Apparently, detainees would be moved to the United States whether or not the new commissions would be able to prevent the release of terrorists in the United States. Such a policy is truly an enigma.

I have not been briefed on these plans, and it is disappointing that unnamed lawyers apparently know more about the administration's plan than Members of Congress. The administration is famous for its willingness to talk with its opponents and have meaningful dialog on tough issues. I hope that desire to talk extends to detainee policy matters.

Detainee policy is too complicated and controversial to make decisions behind closed doors and have them be made by one party alone. It needs to be a bipartisan approach. As I said in January, when the administration announced its plans to close Guantanamo Bay, I believed policy changes must be made openly and transparently and in a bipartisan fashion to be credible. So far we have had riddles, mysteries, and enigmas, but no clear sense of direction. Now the American people are skeptical of what is going to happen.

A poll last month showed that just 36 percent of Americans agree with the administration's decision to close Guantanamo Bay. I am sure that number would be higher in Europe, but we don't represent the European people. Seventy-six percent oppose releasing detainees in the United States. Two weeks ago, Secretary of Defense Gates told the Appropriations Committee that he expects that every Member of Congress would oppose detainees being moved to his or her district or State. In fact, I learned in a written response from Secretary Gates yesterday that DOD will make no attempt to discuss detainee transfers with State and local officials until a final decision about where to put detainees is reached. As I said, the number was 66 percent opposing releasing detainees into the United States.

If my constituents in Leavenworth, KS, are any indication of the level of American concern over the administration's mysterious plans, Secretary Gates is right to be wary about negative reactions to detainees in the United States. Folks in Leavenworth are quite comfortable with tough criminals living in nearby prisons, but they see detainees differently. They don't want terrorists coming into Kansas. We are not set up to handle terrorist threats because of detainees coming to Fort Leavenworth.

The administration cannot and should not duck this debate. They need to tell the American people how their security is improved by bringing terrorists inside our borders. They need to be upfront about how detainees will be handled and where they will be housed.