

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.

Then the administration needs to listen to the American people before it charges forward.

Of course, a national debate on this issue should be based on facts. Just after last year's election, I invited members of the Presidential transition team to visit Fort Leavenworth to see for themselves why it could not handle a detainee mission. Nobody visited. Nobody even responded.

In January, I invited the President to Fort Leavenworth so he could hear the facts directly from the people who work and live at Fort Leavenworth. That invitation is still open.

I tried to provide some facts to Attorney General Holder during his confirmation hearing. I noted that Fort Leavenworth's primary mission is education, and that many international students of the command and general staff college will refuse to participate in military education programs if detainees are nearby. This could harm the interests of our Nation. Unfortunately, Fort Leavenworth is still being considered as a detainee destination.

I was pleased that Attorney General Holder made his visit to Guantanamo Bay in February and found out that it is, to use his words, "a professional and well-run facility." I would like for him to visit Fort Leavenworth, too, because the facts speak for themselves. It is not just that Fort Leavenworth should not have the detainees; it cannot take on this mission.

The Missouri River forms the eastern border of the post. The city of Leavenworth wraps around the other three sides. There isn't enough space in the existing maximum security prison wing to handle the Guantanamo detainees. The post doesn't have a hospital. It doesn't have adequate legal facilities. The fact is, the Fort Leavenworth idea just doesn't work.

In order to resolve all of the issues surrounding the Guantanamo detainees, we need a full debate with all of the facts available and everybody engaged. That means everyone needs to do their homework. I was pleased that our colleagues in the House rejected the administration's request for more than \$80 million in supplemental funding related to closing the Guantanamo detention facility. The House Appropriations Committee chairman was absolutely right to demand that the administration come to Congress and defend a concrete plan before we consider this request. We should not be in the business of spending taxpayer money on hypotheticals, especially in a matter as significant as moving terrorists inside the borders of the United States.

It is my hope that next week this body will vote on whether detainees should be moved to the continental United States.

I hope that we would vote against such a move. I believe there would be a strong bipartisan vote against such a move.

I am doing my homework as well, as I mentioned previously. I will be trav-

eling to Guantanamo Bay tomorrow. I have been to Fort Leavenworth many times. I want to see what we have accomplished at Guantanamo with the more than \$200 million in taxpayer funds in the last 8 years that we have spent on that facility. I want to understand what it takes exactly to operate a detainee facility that is "professional and well run," to use Attorney General Holder's statement.

When the supplemental reaches the floor, I hope we can have a full and informed debate over detainees. I hope we can agree to set aside the request for the funding of hypothetical detainee transfer plans. I hope we can agree that we are not ready to bring detainees to the United States. I hope we vote on that and send a clear message to the administration and to the American people, most of which oppose moving detainees to the United States.

If we poll different States on whether that State wants detainees moved to their State, they are overwhelmingly opposed—the States are—to moving detainees to their States. From my own State, I know we do not feel confident at all that we would be able to house the detainees in a safe fashion for the people of Kansas.

I hope we can set aside the arbitrary timeline for withdrawing detainees from Guantanamo Bay and do the hard work of determining what status detainees should have, how military commissions work, how long we are willing to hold detainees, and whether they might ever be released to threaten Americans again. This is a tough problem. The Bush administration wrestled with this for years. When I was on the Judiciary Committee, we wrestled with the issue of how to handle the legal rights of detainees. We have a situation that we haven't seen before. This is one where we have detainees who are enemy combatants but don't represent a foreign country. They are freelancing or in an organized effort not based in a country. Normally, in the past, we would have a conflict with another nation, and we would hold prisoners of war until the conflict is over, and then there would be a military exchange or an exchange of prisoners at the end or there would be trials for these combatants so they didn't go back on the battlefield.

We are still in the war on terrorism, despite efforts by the administration to rename it. Whether it takes place in Afghanistan, Iraq, and many other places; whether it is the Horn of Africa, where we are seeing problems, or Somalia, and in many other locations around the world, there is a dedicated terrorist force that doesn't represent a country which seeks to do us harm and kill American citizens and harm our interests. That continues to be the factual setting.

When people are released from Guantanamo, we are seeing them back on the battlefield, and it is like they have received a promotion. In Afghanistan, one of the leaders of the Taliban effort

was a person released from Guantanamo Bay. It is like this was a credentialing exercise. Now he is leading a broader group. We don't want that to take place. We don't want to release new commanders into the field.

In normal history, this wouldn't be an issue until the war itself was resolved. We have to figure out the military commissions. We tried multiple times, in various ways, to be able to give legal rights to individuals without revealing confidential information that would hurt our troops on the battlefield. We haven't found the appropriate route yet. I stand ready to try to do that. But I don't stand here willing to release people who will harm U.S. citizens. I don't think that is in our interest, and that is not our job.

I don't think it is our job to try to meet a European public's impression of a facility that our Attorney General believes is well run. It may have image issues that are taking place, but let's get actual facts. If the Europeans are that concerned about it, why don't they get more involved in Guantanamo Bay or be willing to take some detainees and not release them back onto the battlefield. I think this is one of the tough problems that needs to involve everybody. If there is an open debate and dialog—and the American people and interests should be our primary concern—we can resolve this but not by releasing detainees or putting them on U.S. soil, and certainly not by putting them at Fort Leavenworth, KS, where people are saying clearly that we cannot handle this. We are not prepared to do this.

It will hurt the primary mission at Fort Leavenworth and the education of our students and also the foreign military officers as well. We have students from Jordan, Egypt, Pakistan, and Saudi Arabia. These are students and army officers from those four countries. We get army officers from 90-some countries on a regular basis to Fort Leavenworth for training and for relationship building with U.S. military forces. When we go to joint exercises—and there is rarely one around the world that isn't a joint exercise—there is confidence and communication that is built up among the individuals. We have been told by these four countries—by students from these countries—if we move the detainees to Fort Leavenworth, KS, at the same place we are training future military leaders, they will pull their students out. We will defeat the purpose.

We need to be able to work with the Pakistani military, the Saudi military, and the Jordanian and Egyptian militaries. Now we will lose those officers because we move detainees to Fort Leavenworth, a place we are not set up to handle them. It will cost hundreds of millions of dollars, even if we could put a facility there, and the people in the community will feel threatened. This is an urban setting. For what? Why are we doing this? So we can make ourselves less secure and make ourselves

less effective around the world? So that we can please the European public with this move? That is the reason.

None of this makes any sense. We have invested \$200 million in the Guantanamo Bay facility that is well run. I don't know why we would do this. It doesn't make any sense. I think we ought to work on this in a bipartisan fashion and roll up our sleeves and see what is in the best American interests. Treating detainees humanely, rightly under the international conventions we have agreed to with other countries, yes, but not harming U.S. citizens or subjecting our military to recycled individuals who have been captured and put at Guantanamo Bay and released, and where we can meet them on the battlefield again as organizers and as people held up as examples to the terrorist fight.

We can do this but not with the direction that the administration is going in, and certainly not by excluding members of the other party.

I yield the floor and 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.

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

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

Mrs. SHAHEEN. Mr. President, today I rise in support of an important small business amendment to the Credit Cardholders' Bill of Rights, amendment No. 1079. It would expand the truth in lending protections of this bill and cover our Nation's small businesses in addition to individual credit cardholders. I am proud to be a cosponsor of this amendment.

I thank Senators LANDRIEU and SNOWE, who are the chair and ranking member of the Small Business and Entrepreneurship Committee. I thank them for their leadership on this issue. I also thank Senators DODD and SHELBY for their tireless work on the Credit Cardholders' Bill of Rights.

This legislation is important because, as we have heard Senator DORGAN say so eloquently, we can no longer allow predatory and misleading lending practices to jeopardize American consumer credit. Reform of the credit card industry is truly long overdue, and the members of the Senate Banking Committee should be commended for bringing such a strong bill to the floor. I look forward to supporting it. But we need to make a change in the bill because small businesses are critical to America's economic recovery, and in States such as mine, small businesses are the anchor of our communities and our economy, providing the jobs and the services that

help families pay their bills and put food on the table.

Unfortunately, many small businesses in New Hampshire and throughout the country continue to struggle in today's economy. That is forcing layoffs and slowing our path to economic growth. I have met with small business owners across New Hampshire. They are small business owners who have excellent credit histories, but they cannot access much needed credit because of this economic crisis. Many small businesses have seen their credit lines reduced or even eliminated on short notice, preventing them from restocking their shelves and investing in future growth. Unfortunately, more and more small businesses are relying on credit cards to meet their cash flow needs.

I am proud to have led a successful effort to increase access to credit through the Small Business Administration's 7(a) Loan Program. But we must also ensure that small business owners have credit cards on which they can depend.

The Credit Cardholders' Bill of Rights makes important changes that will protect consumers from unfair practices such as arbitrary interest rate increases and unfair credit terms. This amendment simply expands Truth in Lending Act protections to small businesses with 50 or fewer employees.

As business owners across the country grapple with the economic recession, we must ensure that credit cards help, not hinder, our recovery effort. By protecting small businesses from unfair credit card practices, business owners will be better able to manage their cash flow, plan for future growth, and contribute to our economic recovery.

I urge my colleagues to join me, Senator LANDRIEU, and Senator SNOWE in support of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 5 minutes.

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

#### BUFFALO AIRLINE CRASH

Mr. DORGAN. Mr. President, yesterday we heard on the radio and in news accounts of the National Transportation Safety Board investigation of the crash that occurred in Buffalo, NY, of a commuter airline. I chair the Aviation Subcommittee of the Commerce Committee; Senator ROCKEFELLER is chairman of the Commerce Committee. I visited with him early this morning on this subject.

I was stunned yesterday to read and hear the results of the National Transportation Safety Board investigation. Last evening, I met with the families of some of those who lost their lives in that commuter airline crash.

I want to make a point that the things we now have learned about that

particular flight are very disturbing—the question of crew rest, the question of training, of safety issues. I am not here to suggest that when someone gets on an airplane today or tomorrow or anytime, they should worry about who is in the cockpit, but I do suggest this: In this case, what we have now learned is that one of the people in the cockpit traveled all night because the duty station was in New York and the person lived on the west coast. That person traveled all night from the west coast, stopping in Memphis, then on to New York, and then went on a flight. Well, one wonders about having an all-night flight. Many of us have it. I have been on red-eye flights from the West many times. But for a pilot in the cockpit to live on the west coast, fly to New York, and take an all-night flight, poses real questions for me in terms of crew rest.

The voices in the cockpit suggest that one of the people in the cockpit said that person had no experience with icing. Well, I have had a lot of experience with icing, and it is unfathomable to me that someone in the cockpit of a commuter airline would have no experience with icing if they are flying in the Northeast at a time of the year when icing would be present.

It appears from what we know that the person in charge of the cockpit on that airplane had 3 months of experience with that type of airplane. The question is not just experience but how much experience do you have in the cockpit of that type of equipment.

The copilot on that flight was paid \$16,000 a year. Think of that. A copilot was paid \$16,000 a year salary and worked part time in a coffee shop to make ends meet and lived with the parents in order to make ends meet. I don't know if most people understand this when they get on a commuter flight. A lot of flights in this country are on commuter airlines. You get on a plane that has the same markings on the tail and wings and fuselage of a major carrier, but in many cases it is not that carrier at all that is operating the flight. When people get on an airplane, they expect the same standard, the same standard of training, of crew rest, the same set of standards no matter what airplane they are on if they are flying commercially.

The Federal Aviation Administration has the responsibility to set standards and then enforce them. The National Transportation Safety Board investigation of the Buffalo crash has raised very serious questions that need to be resolved. As chairman of the Aviation Subcommittee, working with the chairman and ranking member of the full Commerce Committee, I intend to be very involved in investigating what is happening.

I don't say this to alert people to be anxious or excited about having to take a flight somewhere but as someone who flies a great deal. This disclosure about these issues on this flight is