

I don't think it is Government's position to go in and change the decisions that have been made by Chrysler, but I do think it is our responsibility to assure that those dealers have the ability to have some accommodation for all the inventory they have—the cars, the special equipment, the parts—that after June 9, they will not be able to use. They will not be able to sell a Chrysler car or use the Chrysler logo. Although General Motors has given notice to its dealers, they have given them until the end of 2010 to work things through. But Chrysler I think is trying to stay as strong as they can going into the merger that has been approved, so they want a quick ending, which we all understand and support. I do. I want Chrysler to emerge in a stronger situation. I think we all do. But I also want the dealers that are suffering all over this country right now, having had 3 weeks' notice to shut down, sometimes a dealership that has been in business for 90 years or 50 years or 25 years—we can't walk away from that. Chrysler can't walk away from that. I believe, from talking to the president today, they agree with that.

We are trying to get something definitive. I will report, again, on this. I am going to support cloture because we must provide the supplemental funds for our troops who are in harm's way. That is the premier purpose of this supplemental appropriation. I am very pleased this Senate has acted decisively to stop the funding for moving prisoners from Guantanamo Bay into our country or letting them go into other countries, where we fear we might see them again on the other side of an IED or some other disruption. I am very pleased with the action the Senate took yesterday on that. We must fund our troops who are in harm's way and their families and their quality of life, giving them the equipment and the training and the support they need to do their jobs.

At the same time, the reason I brought this amendment forward is because it, too, is an emergency. While it is not a taxpayer expense, it is a situation that I think is untenable and that is the people who are under the gun until June 9. My message is that I believe the Chrysler people are going to try to do the right thing. I believe the White House can help us make that happen. We are going to work with the White House and the task force. The Senators from Michigan, I think, are also being very proactive here. I wish to say I appreciate the cosponsors of my amendment. Senator MIKULSKI, on the floor last night, was added as a cosponsor, along with Senator MENENDEZ and Senator BROWN.

I ask unanimous consent, at this time, that Senator CASEY and Senator LAUTENBERG be added as cosponsors of amendment No. 1189.

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

Mrs. HUTCHISON. We were adding sponsors just about every few minutes

as people began to see the plight of these dealers and hear from them.

My message is we need to vote for cloture. We need to go forward with this supplemental appropriation for our troops, but we must—we must—take care of these dealers in the best possible way and not leave them stranded in a situation which was not their doing. Yet they are paying the highest of all prices.

I thank the Chair, and I yield the floor.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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.

ORDER OF PROCEDURE

Mr. CHAMBLISS. Madam President, I ask unanimous consent that Senate amendment No. 1144 be considered in order postcloture in addition to the requirements under rule XVI, rule XXII, and the adoption of the Inouye amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Reserving the right to object, this amendment from my friend, Senator CHAMBLISS, would preclude the U.S. Attorney General from allowing detainees at Guantanamo to even be tried for crimes in the United States. I think it goes too far, and I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CHAMBLISS. Madam President, the assistant majority leader is exactly right. My amendment is going to prohibit any Guantanamo detainee from being brought to the United States. The assistant majority leader made a comment yesterday that he thought it was somewhat foolish on the part of the minority to think this President would even allow terrorists to be brought into the United States. The fact is, this administration is already proposing that some of the terrorists who are held at Guantanamo be brought into the United States and be freed because the court has determined that 17 Uyghurs ought to be free. The administration is talking about freeing those Uyghurs inside the United States.

The press reported this morning that President Obama intends to bring a Gitmo detainee, Ahmed Ghailani, to New York to be tried in our criminal courts. I fear this is the start of a long process of transferring detainees to the United States where, I believe, legal technicalities will ultimately allow some of them to be freed into the United States.

The Senate voted yesterday to prevent any detainees from being brought

here and has been very outspoken on this issue this week. Despite this, the President has chosen to ignore the will of Congress and bring Ghailani to the United States. Instead, he is acting quickly to bring him here before he signs the supplemental bill into law.

I don't know how the President thinks he can try this detainee in our courts. Ghailani is not just any terrorist. He was a high-value detainee in the CIA's detention. Bringing him into a U.S. courtroom will open a floodgate to challenges on his detention, his treatment, and any evidence obtained from him.

Additionally, if we were able to obtain any evidence on Ghailani from any other terrorists, that information would likely not be admitted in U.S. courts because it would be considered hearsay. If not, the prosecution would be required to bring additional terrorists to New York just to testify in Ghailani's trial. This alone will make a conviction much more difficult.

There is too much at stake to grant the unprecedented benefit of our legal system's complex procedural safeguards to foreign nationals who were captured outside the United States during a time of war. Allowing these terrorists to escape conviction or, worse yet, to be freed into the United States by our courts because of legal technicalities would tarnish the reputation of our legal system as one that is fair and just.

Prohibiting the detainees from entering the United States, as my amendment does—the assistant majority leader is exactly right—is one small step in the right direction.

Further, if these individuals, such as Ghailani, were to be brought to the United States by President Obama to be tried in our article III courts and not convicted, the only mechanism available to our Government to continue to detain these individuals would be via immigration law. However, current immigration laws on our books are insufficient to ensure these detainees would be mandatorily detained and continue to be detained until they can successfully be removed from our borders.

Although I am adamantly opposed to bringing any of these detainees to the United States, and I do not believe the President has independent authority to do so, I do believe we need legislation to safeguard our citizens and our communities in the event they are brought here. To that end, my amendment makes mandatory the detention of any Gitmo detainees brought to the United States.

It is imperative the Senate consider my amendment before the final adoption of this supplemental bill.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Madam President, in response to my friend, the Senator from Georgia, he has obviously forgotten the name Zacarias Moussaoui. He was accused of being the 19th or 20th

hijacker on 9/11. He was successfully prosecuted in the courts of the United States. He has been convicted, is serving time in a prison of the United States, and we are not less safe because of it. Our system of justice worked.

The Senator from Georgia and many on his side of the aisle have no confidence in our system of justice. They do not want to even consider the possibility that people could be charged with a crime and successfully prosecuted here. We have proven otherwise.

There are 347 convicted terrorists now serving time in U.S. prisons. I have not heard a hue and cry from anyone saying let's get them all out of the country, because we know they are being safely and securely held.

America is not at risk. For the Senator to argue that once they are tried they have to be released as American citizens or in the general population defies logic. If these people are brought in for the purpose of trial and found not guilty, they are certainly not going to be allowed to stay in the United States. There is no requirement for that. There is no way they could ask for citizenship, having just been found not guilty, being a resident of another country. That is not even in the realm of possibility.

What the Senator is arguing is about a possibility that I think is farfetched, and he ignores the obvious. Madam President, 347 terrorists convicted in American courts are currently serving time in American prisons right now.

I might also add that at the end of the day, it will be the President of the United States who will propose what we do, and the President will make his recommendations soon. I am anxious to hear them. But for us to foreclose the possibility of bringing a detainee to justice for crimes committed, for acts of terrorism, by saying we would not consider ever trying them in the United States, what would we do with them? Hold them indefinitely without charges? Export them to some other country?

If they can be charged and prosecuted successfully in our courts, they should be. They should be held securely until they are resolved in court, and if they are resolved in a guilty fashion, they could be incarcerated as the other 347 terrorists in our prisons. If found not guilty, they can leave the country, as they should not be welcomed as citizens.

The President will be making an announcement today. I am anxious to hear it. For us to anticipate what that is and foreclose possibilities I don't think is a wise policy for keeping this country safe.

The bottom line is this President—no President—is going to release terrorists into Georgia, Mississippi, Illinois, or New York. It is not going to happen. Presidents accept their responsibility to keep our country safe, and to suggest otherwise I don't think is consistent with our experience.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, what the Senator from Illinois, who is a lawyer, neglects to mention is the fact that all 347 of the current incarcerated people who have been tried for terrorist acts were arrested under U.S. law. They were investigated by the FBI. They were prosecuted because they were arrested and investigated with that end in mind. Not one single one of those 347 individuals was arrested on the battlefield.

What the Senator is now proposing is that we take all 240 of the confined detainees at Gitmo and give them all of the rights that are guaranteed to every criminal who is investigated and arrested inside the United States as opposed to being arrested on the battlefield. That has never happened before in the history of the United States, and we have had an awful lot of captives on the battlefield.

For there to be any correlation between the 240 detainees at Guantanamo who are the meanest, nastiest killers in the world, getting up every day thinking of ways to kill and harm Americans, and to compare them to the 347 who are now confined after being arrested inside the United States is somewhat ludicrous.

Again, I regret the Senator is objecting to my amendment which would keep those 240 individuals at Guantanamo outside the United States and would ensure that forever and ever they could never be released into the United States. I simply regret he sees fit to object to it.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Madam President, I am not suggesting that the detainees at Guantanamo all be tried. I know of one, for example, who has been held for 7 years and was notified a year ago there are no charges against him. The question is where he will be sent. He still languishes in prison because of that. It would be unjust for us to continue to keep him in Guantanamo without any charges against him beyond 7 years. I don't think he needs to be tried. We need to find a safe place to put him once we are certain he is not going to engage in acts of terrorism.

This morning, President Obama is going to make a statement on this issue. The statement by the White House in advance of his speech at the National Archives—I think part of this press announcement bears repeating into the RECORD. It says:

The President also ordered a review of all pending cases at Guantanamo. In dealing with the situation, we do not have the luxury of starting from scratch. We are cleaning up something that is—quite frankly—a mess that has left in its wake a flood of legal challenges that we are forced to deal with on a constant basis and that consumes the time of government officials whose time would be better spent protecting the country. To take care of the remaining cases at Guantanamo Bay, the President will, when feasible, try those who have violated American criminal laws in Federal courts; when necessary, try those who violate the rules of war through

military commissions; when possible, transfer to third countries those detainees who can be safely transferred.

President Obama is calling for an orderly, sensible review of cases at Guantanamo. For us to continue to keep voting on ways to foreclose the possibilities of bringing Guantanamo to a close in a responsible fashion I don't think is responsible conduct. I hope we will stop this and allow the President to show his leadership. He inherited this mess at Guantanamo. He is doing his best to find solutions in keeping with our values and keeping in mind his primary responsibility to keep us safe.

I yield the floor.

Mr. CHAMBLISS. Madam President, I simply close by saying the Senator is exactly right. There are military tribunals set up in Guantanamo today. In fact, those military tribunals had convicted three separate detainees, and the current administration, when they came into office, dropped the pending charges of twenty-some others awaiting trial, thus suspending the military commissions. These individuals can be tried by military tribunals at Guantanamo. They are in place and ready to go. I would simply urge that is the way these individuals need to be prosecuted and not to be brought to the United States and tried here.

I yield the floor.

RESERVATION OF LEADER TIME

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

SUPPLEMENTAL APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2346, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2346) making supplemental appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Cornyn amendment No. 1139, to express the sense of the Senate that the interrogators, attorneys, and lawmakers who tried in good faith to protect the United States and abide by the law should not be prosecuted or otherwise sanctioned.

Chambliss amendment No. 1144, to protect the national security of the United States by limiting the immigration rights of individuals detained by the Department of Defense at Guantanamo Bay Naval Base.

Isakson amendment No. 1164, to amend the Internal Revenue Code of 1986 to expand the application of the homebuyer credit.

Corker amendment No. 1173, to provide for the development of objectives for the United States with respect to Afghanistan and Pakistan.

Lieberman amendment No. 1156, to increase the authorized end strength for active-duty personnel of the Army.

Graham (for Lieberman) amendment No. 1157, to provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after