

The explanations that some of our friends offered yesterday to justify a rushed hearing were almost as remarkable as the decision itself and the partisan way in which it was handled. Some said Republicans proposed unreasonable hearing dates. Yet no one can cite the time and place when any of these supposed requests were made.

But blaming Republicans for statements they never made was not as ludicrous as the claim that Judge Sotomayor's long judicial record is somehow reason to rush the review process. Not only is this counterintuitive—why should it take less time to read more cases?—it also flies in the face of every statement our Democratic friends made on the topic after the nomination of the last two Supreme Court nominees.

Time and time again, they told us the Senate was not a rubberstamp and that hearings for Judge Alito and Judge Roberts could not be rushed. As Senator LEAHY put it at the time:

We want to do it right. We don't want to do it fast.

Republicans respected these requests because we recognized the importance of a thorough review. On the Alito nomination, for instance, Senators had 70 days to prepare for a hearing on a nominee who, as Senator LEAHY noted at the time, had handled some 3,500 cases on the Federal bench. Judge Sotomayor has handled over 3,600 cases, so it stands to reason we would have as much time to review her record as we did Judge Alito's. But for some reason, the old standard has been thrown out as new reasons have emerged for rushing the process on this nominee.

As Senator SESSIONS informed us yesterday, the questionnaire Judge Sotomayor filled out suffers from significant omissions. For example, she failed to produce numerous opinions from cases in which she was involved as a district attorney.

In addition, she failed to produce a memorandum from her time with the Puerto Rican Legal Defense Fund that opposed the application of the death penalty. When this omission was brought to the judge's attention, I understand the White House then provided this memorandum, saying it was an oversight. But in the rush to complete the questionnaire in order to garner a talking point, you are prone to these sorts of mistakes. This, of course, counsels the Senate to have a thorough, deliberative process, not a rush to judgment in order to meet an arbitrary deadline.

When it came to Republican nominees such as Judge Roberts and Judge Alito, our Democratic friends wanted to review the record, and Republicans worked in a bipartisan fashion to come to a consensus on a fair process that respected the minority's rights. Yet when it comes to a Democratic nominee, our friends want to deny Republicans the same rights. They want the shortest confirmation timeline in re-

cent memory for someone with the longest judicial record in recent memory. Let me say that again.

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This violates basic standards of fairness, and it prevents Senators from carrying out one of their most solemn duties—a thorough review of the President's nominee to a lifetime position on the highest Court in the land. The decision to short circuit that process is regrettable and completely unnecessary.

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 for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Nevada.

#### GUANTANAMO

Mr. ENSIGN. Mr. President, as we are confronted with the news this week of the first of what may be many deadly terrorists being transferred to American soil, I am still left to wonder what the administration's plan is for the detention facility at Guantanamo Bay.

I recently had the privilege of visiting Guantanamo Bay. I traveled down there with Senators BROWNBACK, BARRASSO, and JOHANNIS. I would like to start out by saying how proud I am of the job our men and women in uniform who are stationed down there are doing. ADM Dave Thomas and his staff are doing an outstanding job, and their efforts need to be recognized. These are the kinds of individuals who make America great and who keep us safe.

This is the type of facility where you do not have a true understanding of how well run it is until you go down there and see it in person for yourself. I would actually encourage our President to go down and see firsthand what Guantanamo Bay is like, what the facility is like, how the prisoners are treated down there, and how well our service men and women in uniform are performing.

As we are all aware, 6 months ago, President Obama set an arbitrary timeline of January 2010 to close Gitmo. It is now mid-June, and it appears he is no closer now than he was back in January of this year in identi-

fying what his plan is. We still have seen little more than political rhetoric and no concrete plan of how to deal with the prisoners currently being housed at Gitmo.

My question to the administration is: Why are we rushing to close this world-class facility without first having a plan in place? The administration should work with Congress on a bipartisan basis to first come up with a plan, if a plan is even possible, and then proceed from there.

Included in this population are critical figures involved in the 9/11 attacks on the United States and the bombings of a U.S. warship, the USS *Cole*, and also terrorists captured from the battlefield in Afghanistan. As I stated earlier, one of the most deadly terrorists who was formerly at Gitmo and is directly responsible for the deaths of 224 individuals is now in the United States.

On our trip, we were able to see the security measures that have been put in place to keep these evil individuals from escaping or doing harm. These individuals do not view this war we are in as over. A document that was found in an apartment of an al-Qaida operative in Manchester, England, appropriately entitled the "Manchester Document," lays out how terrorists should act if captured.

According to the Manchester Document, if an individual is detained, he should "insist on proving that torture was inflicted on him. . . ." Whether it was or not, they want to use the press. They want to try to show that torture was used on them.

According to this document, they want to "take advantage of visits from outsiders to communicate with brothers outside the prison and exchange information that may be helpful to them in their work outside the prison. . . ." They are to "master the art of hiding messages . . . and provide information about the enemy's strengths and weaknesses, movements of the enemy and its members."

The terrorists practice this doctrine on a daily basis. In addition, on a regular basis, they abuse our troops down at Guantanamo Bay. It is not the other way around.

A spokesman for the Pentagon stated that 14 percent of the over 500 who were released from Guantanamo Bay have returned to some sort of terrorist activity—14 percent. Some people say: Boy, that is a very low recidivism rate. But if we think about it, these are mass murderers and evil individuals. These are people who want to set out to destroy our country, our way of life, and kill as many Americans as they can. Do we want to transfer or release some of these individuals even if only 14 percent of them return? The lives of American troops are at stake.

By the way, the people who were released early, the over 500, those are the people we actually thought were safe. The people who are still there are the most dangerous and deadly.

One of the people who was transferred detonated a car bomb in Iraq.

Another is now a leading al-Qaida operative in Yemen. As I said before, these were supposedly the safe ones.

What would happen if those currently at Gitmo returned to the battlefield?

This document and the actions of those detained at Guantanamo Bay illustrate what some in this Congress seem to have forgotten. We, as a nation, are still at war. They are trying to kill Americans and destroy our very way of life. The prisoners at Gitmo realize this. Our troops realize this. It is time that we in Washington, DC, wake up and realize it as well.

The facilities at Gitmo are state of the art and are some of the most impressive I have ever seen. After touring the facilities down there, I believe it would be next to if not impossible to recreate those facilities in the United States, partially because of the physical location of the facility.

Guantanamo Bay is also the appropriate place to conduct military commissions. The privacy and seclusion of the unique courtroom facilities that have already been built there allow classified information to be protected and allow privacy for the 9/11 families who are grieving and have chosen to watch the proceedings down there. Too often, we forget about those individuals, the families of the 9/11/01 victims.

Transferring these hardened terrorists to facilities in the United States would make each of the facilities where they are transferred to, and the communities in which they are situated, terrorist targets. Let me repeat that.

Transferring these hardened terrorists to facilities in the United States would make each one of the facilities they are transferred to and the communities in which they are situated terrorist targets.

Would you like to own a small business, a gas station or a convenience store around one of these prisons that house terrorists? I know I wouldn't.

Another observation that struck me while I was down at Guantanamo Bay was the care and treatment of the detainees. Every—every—effort is made to ensure their religious rights are respected. During my visit to the facility, we even paused as part of our tour out of respect for prayer time of the detainees.

In addition, there are various programs and resources to provide detainees with instructional training and social recreation. Listen to these statistics.

Available to the detainees are over 13,000 books for them to read, 910 magazines, and various newspapers in different languages that are distributed weekly. They have access to a vast collection of DVDs for the detainees. It is almost like they have Netflix down there. They also have satellite television, including Al-Jazeera. Detainees are permitted quarterly phone calls to family members and have received or sent over 22,000 pieces of mail, including privileged attorney-client mail. Fi-

nally, we offer literacy classes, second language classes, and art classes for the detainees. These detainees are provided better health care than a lot of Americans are.

Does any of this sound like abuse? Does any of it sound like abuse?

In his first 6 months, President Obama has had to make some tough decisions. Some of these decisions, such as his Afghan policy, I publicly supported. He needs to realize, though, that on this issue of transferring these hardened terrorists to the United States there is strong bipartisan opposition. If the President were to go down to Gitmo, tour the facilities, and to be completely honest with himself, I believe he would come to the same conclusion I did. In the end, there are no superior alternatives to Guantanamo Bay.

The administration must answer this question: How does closing Guantanamo, especially without a plan, make the American people safer?

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Arizona.

#### HEALTH CARE REFORM

Mr. KYL. Mr. President, I commend my colleague from Nevada for his remarks and I want to associate myself with them.

I want to speak to health care and the reform that we are attempting to achieve here in Washington. Little disagreement exists about the need for health care reform. A routine trip to the doctor's office can be surprisingly expensive, and many fear if they lose their jobs or even if they switch jobs, they will be left without health care. Others who are unemployed may be wondering how they can afford to see a doctor at all. So the question is, How can we reform health care so that everyone has access to high quality care without changing what works for millions of Americans?

President Obama wants to centralize power in Washington, to change the way health care is obtained by all. He would create what he calls a public option. This would not be an insurance program run by the public but one run by the Federal Government; that is to say, bureaucrats here in Washington, and I believe it would result in a one-size-fits-all government system that would depend upon complex rules and financing schemes, some kind of Federal health board and, of course, higher taxes. It would also inevitably create waiting lists for treatment and denial of care for many. Why? Because the Federal Government resources are not unlimited, so health care for some will have to be delayed or denied to keep spending in check.

The plan the senior Senator from Massachusetts has put forward would create a medical advisory council to determine what treatments people should get and when they should be

treated. The goal of this medical advisory council, again, would be to control spending, not to ensure that everyone gets care when they need it. It could tell Americans when they can get their treatment and what medications they can and cannot have. The plan of the Senator from Massachusetts would also offer subsidies to those whose incomes reach 500 percent above the poverty line.

President Obama has said that if new government-run health care is created, you won't have to use it if you prefer your current plan. That is not the way the legislation is being written. The way the legislation is being written in the Finance Committee is that after your contract expires—and it is usually an annual contract—your insurance is gone, and your insurance company must begin to abide by a new set of Federal rules and regulations. That means you will not have the same policy you had before.

Moreover, the government-run care would quickly crowd out other insurers. Employees who have insurance through their company could be forced into the government plan if their employer decides it is simpler or cheaper to pay a fine to the Federal Government and eliminate the coverage. The company might reason: Why bother doing the paperwork when we can tell people to get on the government-run plan? That is exactly what the health experts say will happen.

The Lewin Group has estimated that 119 million people will shift from a private plan that they currently have onto this new government-run plan if it is created. That would affect two-thirds of the 170 million Americans who currently have private insurance, all but ending private insurance in this country.

First, we have the takeover of the auto companies and banks and AIG and student loans and now health care. That is apparently the agenda at play here.

Republicans believe that health care reform should make health care affordable and portable and accessible. That last point is often overlooked. Health care needs to be accessible. People need to get the care they need when they need it, and what the doctor prescribes for them rather than what a bureaucrat says they can have. Access to health care does not mean access to a waiting list. Individuals and families, not the Federal Government, should control decisions about their health care. The principles of freedom and choice should apply here. The government should not eliminate your choices and get between you and your doctor.

I am not sure why some are embracing government-run insurance when those programs have created so many problems in Canada and the United Kingdom. Many people think that Canadians and Europeans get the same quality of health care Americans get but pay less. That is not true. The stories you hear from individuals in those