

The result was announced—yeas 72, nays 20, as follows:

[Rollcall Vote No. 98 Ex.]

YEAS—72

Akaka	Gillibrand	Mikulski
Alexander	Graham	Murkowski
Baucus	Gregg	Murray
Bayh	Harkin	Nelson (FL)
Begich	Hatch	Nelson (NE)
Bennet	Inouye	Pryor
Bennett	Johnson	Reed
Bingaman	Kaufman	Reid
Bond	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Burr	Kyl	Sessions
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Udall (CO)
Corker	Lugar	Udall (NM)
Dodd	McCain	Voivovich
Dorgan	McCaskill	Warner
Durbin	McConnell	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—20

Barrasso	Crapo	Risch
Brownback	DeMint	Roberts
Bunning	Ensign	Shelby
Burr	Enzi	Thune
Chambliss	Grassley	Vitter
Coburn	Hutchison	Wicker
Cochran	Inhofe	

NOT VOTING—7

Byrd	Isakson	Martinez
Cornyn	Johanns	
Hagan	Kennedy	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Utah.

ORDER OF PROCEDURE

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, Senator BROWN be afforded the floor.

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

GUANTANAMO BAY

Mr. HATCH. Mr. President, I rise today to express my apprehension regarding the closure of the Guantanamo Bay Detention Center in Cuba. I have several concerns regarding the transfer and disposition of the enemy combatants detained there in response to the attacks of September 11, 2001.

Here we are, almost 8 years removed from that fateful Tuesday morning when terrorists murdered 3,000 of our citizens at the Pentagon, the World Trade Center complex, and on hijacked flights. On that day, we were caught flatfooted and hit with a right cross. Many of us who were here in Congress in the days that followed 9/11 swore we would provide the President and the

Nation with whatever tools were necessary to ensure that we would never be caught by surprise again.

So on September 18, 2001, Congress sent to President Bush the Authorization to Use Military Force. This was signed into law. Twenty-six days after the attacks on New York and Washington, we commenced military operations in Afghanistan. We had identified our enemy and determined the location of his base of operation and where this treacherous plot had been devised. We took the fight to the Taliban and al-Qaida and engaged them in Afghanistan. In the course of those engagements, U.S. and coalition forces captured enemy combatants.

Early in 2002, enemy combatants who were seized on the battlefield began arriving at Guantanamo for detention. In 2004, the Supreme Court issued an opinion in *Hamdi v. Rumsfeld* that, as a necessary incident to the AUMF, the President is authorized to detain persons captured while fighting U.S. forces in Afghanistan until the cessation of hostilities. At one time, nearly 800 detainees were housed at Guantanamo. Approximately 525 detainees have been transferred to other countries for detention or released outright and returned to their country of residence. Approximately 60 detainees who were released were later recaptured on the field of battle in Afghanistan or have again taken up arms against the United States on other fronts.

Recently, as reported this year in the January 23 edition of the *New York Times*, a former Guantanamo detainee from Saudi Arabia has resurfaced as No. 2 in charge of al-Qaida in Yemen.

There he is, as shown in this picture: Said Ali al-Shihiri, deputy leader for al-Qaida in Yemen; also known as Abu Sayyaf al-Shihiri and also as Abu-Sufyan al-Azidi; and also known as Guantanamo detainee No. 372. He was released from Guantanamo in November 2007. He planned the U.S. Embassy attack in Yemen in September 2008.

Furthermore, it is believed this man was involved in the planning of an attack on the American Embassy in Yemen last September. This terrorist assisted in the murder of 10 Yemeni citizens and 1 American—former Guantanamo detainee No. 372.

The *Washington Post* recently ran a 2-day installment profiling a Guantanamo detainee from Kuwait: Abdullah Saleh al-Ajmi, also known as Guantanamo detainee No. 220, released from Guantanamo in November 2006, and detonated a truck bomb in Mosul, Iraq, in March 2008.

He was released and subsequently traveled to Syria and snuck into Iraq. Ultimately, this terrorist drove a truck packed with explosives into a joint American and Iraqi military training camp and blew himself up, taking 13 Iraqi soldiers with him—former Guantanamo detainee No. 220.

In March of 2004, a released detainee returned to Pakistan to again take up the fight against coalition forces as an

insurgent. His name is Abdullah Mehsud. This former detainee, in July 2007, killed himself in engagement. He was responsible for the kidnapping of Chinese nationals in Pakistan. After Pakistani forces began to close in on him, he blew himself up with a grenade.

These are just a few of the examples that illustrate how precarious it can be to release these detainees to other nations. We are outsourcing the security of our Nation to other countries. Shouldn't we be cautious and examine who we are letting free? Who is taking custody of these detainees? What security precautions and monitoring measures are in place to ensure they stay incarcerated or remain accountable?

If we shelve the only DOD strategic interrogation facility we have and cannot place these detainees with confidence in other countries, will we be forced to transfer these enemy combatants to the United States? Removing these detainees from a secure military facility with an airport, a highly trained security force, a secure infrastructure, and located on an island outside the continental United States is, in my opinion, reckless. Bringing these detainees to the continental United States is tantamount to injecting a virus into a healthy body.

On January 22, 2009, President Obama signed three Executive orders pertaining to Guantanamo and the enemy combatants detained there. He has ordered the closure of the detention facility within 12 months. He has also required that any detainees presently in custody be treated humanely and in accordance with the Army Field Manual. In fact, this order references the Detainee Treatment Act of 2005, an act passed by Congress that required that the treatment of the detainees comply with the Army Field Manual. The objective of this order was already fulfilled by the passing of that law.

The third order commissioned a task force to conduct a comprehensive review of options available that will provide a solution and final disposition for the detainees at Guantanamo. The Executive order closing Guantanamo states:

Prompt and appropriate disposition of individuals currently detained at Guantanamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States.

Now, presently, approximately 245 detainees designated as "enemy combatants" are housed at Guantanamo. The possibility of returning a majority of these detainees to their home country or a third country so that we can rid ourselves of this issue troubles me, nor does it strike me as particularly sophisticated in the analysis of how other countries see us. There is no doubt that among some European elites, their opinions on the previous administration became more negative as the years went by. There is no doubt that this was also reflected amongst