

remember that issue. He failed to notify Congress. The laws we passed said they had to notify Congress 30 days in advance of any transfer of terrorists to any facility. His failure to adhere to the law he signed placed our Nation's security at great risk.

Let me just mention—I carry this with me. If people realize whom he turned loose, the Taliban Five—this is a statement that was made by the Taliban commander. His name is Mullah Khan. He was talking about Mohammad Fazl. Keep in mind he was arguably the most dangerous person—terrorist—who was being held in Gitmo. He said:

His return is like pouring 10,000 Taliban fighters into the battle on the side of jihad. Now the Taliban have the right lion to lead them in the final moment before victory in Afghanistan.

These are the kinds of people he is turning loose.

According to the Office of the Director of National Intelligence, 29 percent of the detainees transferred out of Gitmo have either been confirmed or suspected of returning to the fight and killing Americans. That is how serious this is.

Gitmo is outside the sovereign territory of the United States, which means detainees held there do not have constitutional rights. But if we put them back in the United States, it is very likely they would have those rights.

I have a quote from former U.S. Attorney General Michael Mukasey, who said:

The question of what constitutional rights may apply to aliens in government custody is unsettled, but it is clear from existing jurisprudence that physical presence in the United States would be a significant, if not a decisive, factor.

I am also concerned about the security of the people here who would have to guard these terrorists.

Back when a Thomson, IL, prison was discussed—that was in 2009—Representative MARK KIRK—at that time he was in the House; that was before he was in the Senate—called the move “an unnecessary risk,” and other Illinois Members were concerned that the transfer of prisoners—some for trial and some for indefinite detention—could make the State a target for terrorists. MARK KIRK was then and is now correct that prisons holding these detainees will become magnets, and there is the very real possibility that these detainees would recruit more terrorists.

We have to keep in mind that a terrorist is not a criminal. A terrorist is someone who trains other people to be terrorists, and that is what we would be seeing happening in our courts.

FBI Director Robert Mueller said there is the very real possibility that Gitmo detainees will recruit more terrorists from among the Federal inmate population and continue Al Qaeda operations from outside the country.

I have been to Gitmo several times, as has the occupier of the chair. It is a

state-of-the-art facility that provides humane treatment for all detainees. When I was there, the biggest problem they had with the detainees was that they were overweight. They are all obese because they are eating so well. It is fully in compliance with the Geneva Convention and provides treatment and oversight that exceed any maximum security prison in the world, as tested by human rights organizations such as the Red Cross, Attorney General Holder, and an independent commission led by Admiral Walsh. It is a secure location away from population centers, and it has a \$12 million expeditionary legal complex. That is a courtroom. We can't use our courtrooms because of the confidentiality of information that is extracted from these individuals and used in the courtroom, so they use the expeditionary legal complex.

The last thing I would say is that it is clear that—and this comes from former CIA Director Leon Panetta. He was talking about the fact that our President—talking about the way they were able to get the bad guy, and what they have refused to understand is the information they extracted at Gitmo was used to actually capture Osama bin Laden.

Anyway, we don't want that to happen, we can't afford to let that happen, and we are going to do everything we can to keep the President from making that happen. This has become an obsession of his, and we are not going to let that happen.

BURUNDI

Lastly, I do want to mention that on this whole issue in Burundi right now, we have to understand in this country that there are other nations that have their own systems of government. They are the ones that have their elections. In this case, I happened to be there in Burundi when the court declared that the incumbent President, Nkurunziza, was qualified to run again, even though they have a term limit. The first term was not a complete term, so that didn't count, according to the court. For us to come in afterward and say “Well, we think the court was wrong, we don't think he is qualified to run, and we are going to withhold things from that country” is something we should not be doing in this country.

I can assure my colleagues that the six Members who went with me over there were all on the scene and agreed that Nkurunziza should be legitimately elected, and we should stay out of their business.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

DRIVE ACT—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:45 p.m. is equally divided.

The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent to speak for 10 minutes.

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

Mr. WICKER. Mr. President, in a few moments we are going to vote on a motion to instruct the conferees on the highway bill. It will be a motion to instruct them not to proceed with a Federal mandate that would force these long double trailers called twin 33s on the 38 States where currently they are illegal.

This Senator would observe that it is not often we get a chance to vote on a motion that will accomplish so much. We are going to get a chance in 30 minutes or so to vote on a motion that will save lives. It is a motion that would prohibit a Federal mandate, that supports small business, and that would save \$1.2 billion to \$1.8 billion per year in highway maintenance. It is a vote that is supported by an overwhelming majority of the American people. This is a rare opportunity for us to come together on a motion that does all of those things.

It is also a bipartisan motion to instruct. It will be sponsored by the Senator from California, Senator FEINSTEIN, and there will be bipartisan votes for the motion on both sides of the aisle.

Now, why are we here? The motion is here because it stems from an amendment in the Appropriations Committee to the Transportation appropriations bill, which would require every State to allow these twin 33-foot trailers on Federal highways. Currently some 12 States do allow them. They have a right to do that, and if they made a considered decision in their State legislatures and in consultation with their departments of transportation, then more power to them.

Well, 38 States say that these trucks are not safe and that these trucks are too long. They tell us they don't want them on the highways. I think we should respect that decision by these 38 States.

Who supports the Wicker-Feinstein motion to instruct the conferees? I go back to the point that this is a vote to save lives. Who says this? AAA, a respected nationwide organization that knows quite a bit about highway safety, says support the Wicker amendment. Don't mandate on 38 States something they don't want to do with these extra long trucks.

I would point out on this diagram the size of the average passenger car. Look how much longer this proposed twin 33 double rig with the tractor part on the front is. Frankly, the American people don't want to contend with these long double trailers on their roads.

The Advocates for Highway and Auto Safety say this isn't safe. A “yes” vote