

now. We should be removing barriers for smaller companies such as his. Nearly 200 House Democrats agree with that, and so does President Obama. As I said yesterday, this bill is about as bipartisan as it gets. The only thing standing in the way of passing it in the Senate is the Democrats who schedule legislation around here, and the only reason they could have for blocking it is that it steps on their campaign strategy.

I think that is a mistake. I think the American people can see Republicans in the House passing all these bipartisan bills aimed at spurring job creation, and they wonder why Senate Democrats won't actually take them up.

This should be easy. They have already done the hard work of finding jobs bills that we know can pass both Chambers and that the President would probably sign. Let's take up the bipartisan companion bill of Senators TOOMEY and TESTER to the House bill—their bill is S. 1544—and let's pass it, and then let's send it to the President for his signature so it can become law.

If you are for creating jobs, you should be for this bill. As the AP put it last month:

Companies use the cash they raise to grow—and that means hiring people . . . and at a time when 14 million Americans are looking for work and the unemployment rate has been stuck near 9 percent for two years, the last thing the economy needs is for one engine of hiring to stall.

A recent report by NASDAQ of companies that went public from 2001 to 2009 found that those companies increased their collective workforce by 70 percent after making the initial public offering—a 70-percent increase in employment after making an initial public offering.

What this bill does is enable more companies to take that leap and start hiring once they have. This is the kind of thing we should be doing more of in the Senate. Let's put the partisan bills aside and let's focus on bipartisan legislation. Instead, why don't we shoot for success.

#### DETAINING ENEMY COMBATANTS

Last week, the White House announced that Prime Minister Nouri al-Maliki of Iraq will be meeting with the President here on December 12. This meeting comes at an important time, as our own military forces will be drawing down their presence within Iraq, and the future of our bilateral security relationship remains very uncertain. But our withdrawal from Iraq raises another important matter I hope the President will raise with Prime Minister Maliki and which highlights some of the difficulties that will result from the military drawdown there, and eventually in Afghanistan, as well, both of these drawdowns the President has ordered. What I am referring to is the law of war detention.

In July of this year, Senate Republicans wrote to Secretary of Defense Panetta concerning the custody of Ali

Mussa Daqduq, the senior Hezbollah operative currently in our joint custody in Iraq. Daqduq is in joint custody in Iraq between the United States and the Iraqi Government.

In 2005, Daqduq was directed by senior Hezbollah leaders to travel to Iran, where he trained Iraqi extremists in the use of explosively formed penetrators, mortars, and other terrorist tactics. Among other things, Daqduq is suspected of orchestrating a kidnapping in Karbala, Iraq, 4 years ago that resulted in the murder of five U.S. military personnel. It is a safe bet that if Daqduq is transferred to Iraqi control, he will return to the fight against the United States. President Obama should insist in his meeting with Prime Minister Maliki that U.S. forces retain custody of Daqduq and transport him to the detention facility at Guantanamo Bay.

The detention of Daqduq touches on three important issues in the ongoing war on terror. First, with the withdrawal of our military presence from Iraq, the United States will lose the ability to detain enemy combatants such as Daqduq in Iraq. Current plans are for the U.S. military to have completed our transition to the security forces of Afghanistan by the end of 2014, and we should expect that we will lose the ability to detain enemy combatants there as well. Our military commanders in Afghanistan should therefore anticipate losing the ability to detain enemy combatants by that date. As we saw in the capture of Abdul Warsame, the Somali terrorist accused of providing materiel support to al-Qaida in the Arabian Peninsula and Al Shaabab and detained on a U.S. Navy ship at sea, there remains a strong likelihood that our military and intelligence community will need a secure detention facility to house these foreign fighters. The issue is, what are you going to do with them.

Rather than being kept in military custody overseas, Warsame was flown to the United States and placed in the civilian system. But the logical place for long-term or indefinite detention of foreign fighters such as Warsame is not on a ship at sea or in our private prison system but rather, as I have said many times before, at the secure detention facility at Guantanamo.

Second, it is worth noting that the Obama administration has tied its own hands in the matter of indefinite detention of enemy combatants. The administration's plan to buy a prison in Illinois for conversion to a military detention facility makes clear that the President does not oppose law of war detention. He is fine with bringing foreign fighters into the United States and indefinitely detaining them in military facilities inside our borders, and yet he opposes detaining them indefinitely at the military facility in Guantanamo, where they will benefit from humane treatment but they won't enjoy the legal rights of detainees who are brought here, including the possibility of release into the United States.

Third, the Executive orders signed by the President in January in 2009 were issued with an eye toward fulfilling candidate Obama's campaign promises, rather than after conducting a serious review of sound counterterrorism policy. Now, 3 years after taking office, the President has had enough firsthand experience dealing with terrorism to know that many of the terrorists held at Guantanamo can't be sent back to places such as Yemen, where they are likely to return to the fight. But the President's own Executive orders have denied our military commanders and our intelligence community the certainty they need when they capture, detain, and interrogate terrorist suspects. His early Executive orders, for instance, ended the CIA's detention program and directed the closing of Guantanamo. The order to close Guantanamo makes little sense.

It is not Republicans who are tying the President's hands in prosecuting the war on terror. He did that himself with the shortsighted Executive orders he signed during his first days in office. As our country withdraws from Iraq and transitions further responsibilities to the Afghan security forces in Afghanistan, we will need a place to send foreign fighters such as Warsame and Daqduq. That place is the military detention facility at Guantanamo Bay in Cuba.

In his discussions with Prime Minister Maliki, the President should, of course, discuss the role the U.S. military will play in Iraq after the end of this year and how our two countries can work together to preserve the gains made through the sacrifice of so many brave Americans, and to combat Iranian influence. But in addition to these important matters, the President should also insist that the Prime Minister retain custody of Daqduq and send him to Guantanamo as soon as possible.

Madam President, I yield the floor.

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#### RESERVATION OF LEADERSHIP TIME

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

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#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

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#### MILITARY DRAWDOWN IN IRAQ

Mr. DURBIN. Madam President, I listened carefully to the statement made