

warned about our inability to control the process once the suspects are given civilian trials. Once you bring them here, you cannot control the process.

To illustrate the point, last year a Federal judge ordered the Uighurs, a group of men detained at Guantanamo, including some who received combat training in Afghanistan, to be released into the United States. Fortunately, the DC Circuit reversed this order. Why? Because the Uighurs had not been brought to the United States and, therefore, did not have a right to be released here. We do not know what would have happened if they had been transferred here already. But we do know that because they were not, they remain outside our borders, safely away from our communities.

The American people have made themselves clear on this issue. They do not want Gitmo terrorists brought into the United States, and they certainly do not want the men who conspired to commit the 9/11 attack on America tried in civilian courts—risking national security, their potential release, and civic disruption in the process.

Congress created military commissions for a reason. But if the administration fails to use military commissions for self-avowed combatants such as Khalid Shaikh Mohammed, then it is wasting this time-honored and essential tool in the war on terror.

The amendment by Senators GRAHAM, LIEBERMAN, and MCCAIN gives us all an opportunity to express ourselves, once again, on this vital issue. The question is not whether terror suspects should be brought to justice. The question is where and how. The answer is perfectly clear: The right forum is military commissions at the secure facility we already have at Guantanamo, not in civilian courts in the United States.

#### HEALTH CARE WEEK XIII, DAY II

Mr. MCCONNELL. Mr. President, sometime in the coming days, the Treasury Department will make an announcement that should startle all of us. It will announce that in the fiscal year that ended just 2 weeks ago, the Federal Government spent \$1.4 trillion more than it actually had. What this announcement means is that lawmakers in Washington ran up a Federal deficit in 2009 greater than the deficits of the last 4 years combined.

This is a staggering statistic. It is impossible for most of us to imagine sums of money this large, let alone the unprecedented amount of money we have borrowed this year alone. But one way to think of it is to realize that since January 20 of this year, the Federal Government has borrowed \$1.2 trillion or more than \$10,500 for every household in the United States—this year alone: \$10,500 for every household in our country. Just since last January, the Federal Government, as I indicated, has borrowed more than \$10,500 for every single household in America.

As you can imagine, there is a limit to how much we can borrow without facing serious consequences, such as dramatically higher interest rates that will further hamper job creation and massive spending cuts and taxes down the road. That is precisely why Congress sets a limit on how much debt the government can carry at any one time. But the administration has decided to worry about all these things at a later date. For now, it wants to continue to borrow and spend, borrow and spend, as it has done all year.

But we are in dangerous territory. As a result of all this borrowing, Congress is about to reach the limit on the amount of debt it can legally carry. The administration expected this would happen, and that is why it recently asked Congress to raise the debt ceiling. Rather than cut spending or implement reforms that would reduce costs, the administration is proposing we borrow even more to finance its industry bailouts and now its health care proposal. What this amounts to is a public admission it cannot live within its means.

Think about the message that sends to American people. At a time when millions of Americans are experiencing a financial hangover from overusing their own credit cards, the government is still at it. Rather than pay down some of the principal, the government is asking the credit card company to increase its limit. What does it plan to buy with the room it gets on its credit card? More government spending programs.

This is fiscal madness. The primary reason we are in so much trouble financially is the fact that we cannot afford our current spending patterns. The projected deficit for 2009 is nearly twice as large as the previous postwar record from 1983. Yet instead of reforming existing programs such as Medicare and Social Security in order to make them financially sound and stable, the administration does not want to make any hard choices.

This is one of the reasons the administration has a problem on its hands with the American people when it comes to health care. Most of the health care bills the administration supports would raise our debt by hundreds of billions of dollars. Yet the administration knows Americans are concerned about all this spending and debt; otherwise, it would not have touted a report last week saying that a conceptual version of one of several health care bills being discussed in Congress could cut the deficit by \$80 billion over 10 years.

Leaving aside the fact that this particular bill will never see the light of day, an important question arises: How can an administration that is asking Congress for a \$1 trillion increase on its credit card limit claim with a straight face to be excited about \$80 billion in deficit savings? That is like putting a new Mercedes on the government credit card and then calling a

press conference on frugality because the dealer threw in a complimentary cup holder.

Americans do not buy any of it, and that is why they are overwhelmingly opposed to the administration's health care proposals. At the outset of this debate, there was one criterion for success: Reform would lower the cost of health care. Yet no one—no one—outside Washington believes that creating a new \$1 trillion entitlement will do anything but increase costs and increase debt.

We are headed down a dangerous road. It is long past time for the administration and its allies in Congress to face the hard choices Americans have had to face over the past several months: No more spending money we do not have on things we do not need; no more debt. Real reform will lower costs and debt, not raise both when we can least afford it.

Mr. President, 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 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 of the time and the Republicans controlling the final half.

The Senator from Illinois.

#### ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, I ask unanimous consent that the morning business time on the majority side be evenly divided between myself and Senator HARKIN of Iowa.

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

#### MILITARY COMMISSIONS AMENDMENT

Mr. DURBIN. Mr. President, I would like to address several points raised by the Republican minority leader in his opening statement this morning. He stood in support and defense of an amendment that has been proposed by the Senator from South Carolina, Mr. GRAHAM. What it basically would say is, we cannot try terrorists in the courts of America; in the criminal courts of America we cannot bring a terrorist to trial; they have to be tried, according to the Graham amendment and the position of the Republican leader, in military tribunals or commissions only. That is a dramatic

change from the law as we know it, and very bad policy.

Since 9/11, we have successfully prosecuted 195 terrorists in America's criminal courts. During that same period of time, we successfully prosecuted in our military commissions and tribunals three—three—terrorists. So if one wants to know where we are more likely to end up putting a terrorist behind bars, I would suggest going to the Department of Justice and letting them decide whether the case best be tried in a criminal court in America or in a military tribunal. That is the current policy. But the position of the Republican side is to take away this discretion of the Attorney General and to tell them under no circumstances can you try a terrorist for violating American law in an American court.

It makes no sense.

Recently we had a case where a man named Ahmed Ghailani was brought to the United States for his involvement in the 1998 bombings of our embassies in Kenya and Tanzania which killed 224 people, including 12 Americans. President Obama said this man is going to be tried for killing Americans, for his terrorist acts in Africa. I have seen the devastation it caused; almost unimaginable. The President said he will be brought to New York City and he will be tried in our courts. That is underway. It is the right thing to do. The surviving loved ones of those who died in that embassy have praised the administration for their leadership in bringing this man to justice.

Under the amendment which the Republicans are supporting, we would not be able to bring this man to trial in an American courtroom. Why? If the laws are on the books and can be successfully used to prosecute terrorists, why would we throw away this important opportunity and tool to stop terrorism? I will let the Republican side of the aisle explain why. But in the meantime, perhaps they can explain why we should ignore the reality that there are 355 convicted terrorists currently serving time in American prisons and 350 or more of them were convicted in our courts. We know we can do it. We know we can successfully prosecute them under American law. Why would the Republicans want to shield them from prosecution under American law and instead use military commissions and tribunals which have been very controversial and have only successfully prosecuted three terrorists over the last 7 or 8 years since 9/11? It is the Republican position and it makes no sense. We should use every tool in our arsenal to stop terrorism, and give the Attorney General every authority he needs to decide where is the best place to prosecute these individuals.

This notion that somehow we can't bring a terrorist to justice in America for fear they will be held in a jail in America—how do you explain 350 terrorists currently serving time in American prisons? They are being treated as

every other criminal should be treated: incarcerated, isolated, away from the population. That is the way it should be. There are places other than Guantanamo to hold these prisoners safely, and I think the record speaks for itself.

#### NATIONAL DEBT

The second issue that was raised by the Republican leader was about our national debt. He is arguing that the debt is too high, and he is right. But he also ought to be very candid and open about how we reached this point in history. President Obama has been in office now for 9 months, and what did he inherit? The biggest debt in the history of the United States. What did his predecessor, George W. Bush, inherit? A surplus in the Federal Treasury. When President Clinton left office, he left behind a surplus. It is the first time in 30 years we had a surplus. President Bush took that surplus and turned it into the biggest debt in history, and took that and left the weakest economy in 70 years to the Obama administration. Now comes the Republican side saying this is a shame that the Obama people have gotten us into this mess with this debt.

How did we reach this point? Decisions under President George W. Bush to wage two wars without paying for them, simply to add to the national debt; to do what had never been done before by any President, to give tax cuts to the wealthiest people in America in the midst of a war; and to create a Medicare prescription drug program that wasn't paid for. The cumulative impact of those decisions increased the debt of America to record-breaking levels, and that is what was handed to President Obama when he took office. Now come the Republicans who supported those policies under President Bush and blame President Obama for the debt left behind by the previous President. That is unfair and it is not accurate.

I am sorry we have this debt. Once this economy turns—and I hope it does soon—and jobs are created and businesses are back generating the profits they need, our economy will be strong again and revenues will be created, but we are going to have to claw our way out of this recession and create jobs to make that happen. Twisting and distorting the history of our American debt does not help that conversation.

#### HEALTH CARE REFORM

Incidentally, the minority leader said one thing which I hope he will come back to correct. He said the health care reform now underway is going to add to that national debt. If there is one thing President Obama made clear when he spoke to us about this health care reform issue it is that we cannot add to the debt. This bill reported by the Finance Committee yesterday does not add to the national debt. In fact, it reduces the deficit over the next 10 years. That is the standard the President has held us to when it comes to dealing with the deficit and health care reform.

Make no mistake. The opponents to health care reform are being led and inspired by many people but primarily by one group: the health insurance industry. The health insurance industry, one of the most profitable in America, has made its money by saying no and denying care to people when they need it the most. When we try to bring about real health insurance reform so they can't turn you down because of a pre-existing condition discovered in some old document filed years before and they can't put limits on the coverage you need when you do get sick, the health insurance industry is fighting us tooth and nail, and many on the other side of the aisle are arguing their case. I think it is a tough case to argue to most Americans.

Most Americans understand we need to bring the costs of health care under control so that Americans have security and stability and don't see health insurance premiums going through the roof, businesses cancelling coverage, and individuals unable to protect themselves. They understand we need real health insurance reform. I have yet to hear the first Republican Senator stand on this floor and call for real health insurance reform, because the health insurance industry doesn't want it and many on the other side of the aisle are not going to cross them when it comes to this debate.

Finally, it is imperative that America move to the point where more Americans have the peace of mind of health insurance protection. To think that 40 million-plus Americans are going to go to bed tonight uncertain about whether a diagnosis tomorrow or an accident tomorrow will plunge them deeply into debt for medical bills they can't pay is unacceptable in this country. Today 14,000 Americans will lose their health insurance coverage by losing a job or reaching a point where they can no longer pay for it. That is the sad reality of the current system. The Republican side of the aisle has no alternative, no proposal for health insurance reform, or health care reform.

I wish to salute Senator SNOWE of Maine for her extraordinary courage yesterday, stepping up and voting—the only Republican so far who has voted for health care reform in the U.S. Congress. I am sure she took a lot of grief for it, a lot of pressure, but she showed real courage, extraordinary courage in voting to join us in this effort for real health care reform.

We have heard from former Republican leader Frist; we have heard as well from Republican Governor Schwarzenegger; the mayor of New York, Mr. Bloomberg; the mayor of Minnesota, and others who have talked about the need for health insurance reform. It tells me that many of the congressional Republicans should listen to the leaders in their party across the country who understand what America needs and wants.

Now is our chance. In the next few weeks we are going to do something

which we have been trying to do for 40 or 50 years: Bring real health care reform debate to the floor of the U.S. Senate. It won't be easy. There are a lot of differences of opinion about the goals we want to reach. But I want to tell my colleagues that we are finally taking that important step under the leadership of President Obama to do what America wants done: to make sure we have health care reform that will serve our Nation and serve families and businesses in the 21st century.

I see my colleague from Iowa is on the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Iowa is recognized.

#### HEALTH CARE REFORM

Mr. HARKIN. Mr. President, all five congressional committees involved in the health care reform debate have completed their work now and the core elements of this landmark legislation are now clear.

The media has done a good job of reporting that the emerging bill will crack down on abuses by health insurance companies and extend quality health coverage to the vast majority of Americans. In addition, much attention has been paid to the public option which I am confident will be in the bill we send to the President later this year. So there has been a lot in the press about the public option; about coverage; how much this costs; will there be an excise tax; what will the penalties be. Almost all of the debate we see—I should say discussion—surrounding the health care reform is about how we pay the bills, when we think about it. It is about how are we going to pay all of these bills.

There is one huge part of the health reform bill that is not being discussed very much that I believe will have a transformative effect on the system we have in America today, which I have often referred to as not a health care system but a sick care system. When we think about it, that is what we have in America: a sick care system. If you get sick, you get care one way or the other, but we do precious little to keep you healthy in the first place. As one of the comedians on one of these late night talk shows I happened to tune in to one night said, you know, they are talking about everything except health care.

What do we need to do to keep people healthy in the first place? Well, quite frankly, that is in our bill. That is what I wanted to discuss this morning, which is some of the aspects of the bill that I believe will bend the cost curve in the future and make us a genuine wellness society. The bill we reported out of our HELP Committee creates a sharp new emphasis on fitness, physical activity, good nutrition, disease prevention; in short, keeping people out of the hospital in the first place. This will give Americans access to a

21st century true health care system focused on preventing disease and helping us live healthy, active, productive lives, and it will reduce wasteful, avoidable costs that are built into our current system. Again, this sort of disease management approach we have in our country now is about patching things up after people develop a serious illness or a chronic condition. It is a system that overspends, which we know, and underperforms. It has been a colossally expensive failure.

We can and must do better. As President Obama said in his speech to Congress back in February:

[It is time] to make the largest investment ever in preventive care, because that's one of the best ways to keep our people healthy and keep our costs under control.

To most of us, it is self-evident that cost-effective preventive services will save money in the long term. This first chart is of a poll taken which shows that 76 percent of the American people said we should invest more in preventive care—76 percent. They get it. The American people get it. This support comes from across the political spectrum. Eighty-six percent of Democrats, 71 percent of Republicans, and 70 percent of Independents say we should be spending more on prevention.

This next chart shows that 77 percent of Americans support a new emphasis on prevention in a health care reform bill because they know it is the right thing to do. It is common sense. If we can use cost-effective screenings and other upfront intervention programs to prevent tens of millions of occurrences of chronic diseases such as cancer, diabetes, and cardiovascular disease, it is self-evident that we are going to slash health care costs very significantly.

Some critics have claimed that a new emphasis on wellness and prevention will cost more money and it will drive up health care costs. To support this claim, they have created a straw man, assuming that we are going to do all of these preventive services for everybody all the time, but that is not what is in our bill. I wish to emphasize that our committee's bill takes a very rigorous approach to prevention. We target appropriate preventive services and screenings only to those segments of the population that are at risk of a disease or a condition.

For example, under our bill, mammogram screenings would be free—no copays, no deductibles—but to those most at risk of breast cancer—women over the age of 40.

At every step, what we have relied on are the latest recommendations of the U.S. Preventive Services Task Force. This task force has been in existence since the early 1980s. It evaluates clinical preventive services on the basis of scientific evidence related to effectiveness, appropriateness, and cost-effectiveness. So what we have said is that if the U.S. Preventive Services Task Force gives a certain preventive measure or screening an A or a B score, then the insurance companies and providers

must provide that without any copays or deductibles. So it is targeted. It is not everything, but we are targeting the most cost-effective.

We also say that this task force has to meet at least once every 5 years and take in the latest scientific evidence and make recommendations for revising the mix of clinical preventive services.

Let me review some of the ways the Senate HELP Committee bill, in a very careful way, will put prevention and wellness at the very heart of health reform.

First, we create a Federal level prevention and public health council to improve coordination among Federal agencies in incorporating wellness into a national policy, and will develop a national prevention and a public health strategy. All of the departments should be doing this, not just the Department of Health and Human Services but the Department of Agriculture, the Department of Defense, the Department of Veterans Affairs, the Department of Transportation, and on and on. All of them ought to have as an integral part of their deliberations and proposals for future legislation that they might propose in the Congress an element of prevention and wellness. Take the Department of Transportation, for example. When they are thinking about highways, bridges, roads, and things such as that, are they thinking about bike paths and walking paths and sidewalks in cities that could be incorporated into the planning if they want Federal money? Well, they have not so far. This is what I mean. We need this kind of an overall coordinating council at the White House level, at the department level.

We also start a prevention and public health investment fund to provide for expanded and sustained national investments in prevention and public health programs in communities all across America.

A 2007 study by the Trust for America's Health found major savings from community-based prevention programs. There is clinic-based prevention where you get a screening, but then there are community-based programs to improve physical activities, nutrition, reduce smoking rates, and things such as that. They found that a national investment of just \$10 per person per year—think about that, \$10 per person per year—in certain community-based wellness programs would yield these kinds of savings: in 1 to 2 years, \$2.8 billion; 5 years, \$16 billion; and 10 to 20 years, \$18.5 billion.

Again, on both the community level and the clinical level, we provide for funding and a structure to make wellness and prevention an integral part of our health care system. For example, our bill would target nutrition counseling to prediabetic patients. Right now, under Medicare, for example, and most insurance companies, they will reimburse thousands of dollars to take care of your diabetic conditions once you get diabetes. They