

have to be able to tell the American people that we are being as frugal as necessary. And this legislation will allow us to have the strongest military in the world, as has been the case in the past many years, but also to have one that is not wasting money.

So we, as I said, appreciate the work done by Senators LEVIN and McCAIN.

#### 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, the Senate will proceed to a period of morning business until 10:30 a.m., 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 majority controlling the first half and the Republicans controlling the second half.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

#### HEALTH CARE REFORM

Mr. NELSON of Nebraska. Madam President, 19 years ago, after narrowly winning my first statewide race for Governor in Nebraska, I was concerned about the significant budget challenges and economic downturn we faced. Today, the United States is confronted by financial troubles on a much larger scale.

Among them, we are suffering from the compounding economic impact of years of steadily rising health care costs and millions of uninsured Americans. This crisis is strangling businesses and throwing sand in the gears of our economic engine, but the most troubling impact is on families.

From 2001 to 2007, premiums for family insurance coverage surged 78 percent while income increased just 19 percent. Wages are lagging behind not only premiums but also out-of-pocket costs which families must pay for health care services.

In my view, meaningful health care reforms are within reach and should be achieved in a bipartisan fashion without stifling minority views or using reconciliation.

Although there are signs of progress in the reform debate, some seem ready to stir partisan tensions. We should play down the divisions which ideologies present and focus instead on areas of consensus.

What could this middle ground look like?

I believe that two of the highest priorities should be reducing the cost of health care and improving efficiency in our delivery system.

Despite state-of-the-art treatment, some studies still show that Americans

receive appropriate care just 55 percent of the time.

The American Recovery and Reinvestment Act Congress approved this year made a downpayment addressing health information technology and comparative effectiveness research. As a result, doctors and patients will receive access to improved health records and better evidence about which medical treatments may best serve a patient's needs.

Senator BAUCUS and the Finance Committee have laid out a series of additional delivery system reforms which I applaud them for. These cost-containment measures are the first order of business and a mission-critical component of reform which will immediately pay dividends on affordability and access.

In an additional sign of progress in covering the uninsured, America's health insurers have agreed to guarantee health care coverage to all Americans and transition away from charging higher premiums to those who are most ill, if Congress agrees to support a requirement to obtain coverage.

While I have an aversion to mandates, I recognize that we all have a responsibility to obtain health care coverage because we all pay higher premiums when providers are forced to write off expensive, uncompensated care.

We often focus on the 45 million or more Americans who are uninsured, a crucial problem to be sure. However, we also must make sure we are not destabilizing care for the 200 million Americans who have private health insurance.

Some have called for establishing a public plan, but I think it would undermine health care services for millions of Americans and squander this unique opportunity for substantial reform.

Here are some of my concerns about a public plan run by the Government:

Washington runs our Medicare system which is already on its way to insolvency.

Our delivery system could collapse if it had to rely more heavily on Medicare-like reimbursement rates. Today, one-third of physicians limit the number of new Medicare patients they see.

A Government-run plan would further limit payments to doctors, nurses, health care workers and hospitals, and they would over time refuse patients covered by this system.

That would worsen the current cost shift to private payers, which can run in the neighborhood of 30 to 40 percent.

The result? Patients would lose access to health care, services would decline for millions and competition would disappear.

In my State of Nebraska, uncompensated care and the cost-shift from low Government reimbursements account for 15 percent of the average health insurance premium.

In sum, a one-size-fits-all Washington-run health care plan expands

Government but will not fix the main problems people face every day: affordability, access and high quality care.

Several years ago, we debated whether private competition could deliver affordable choices to cover seniors' prescription drugs. I was not convinced there would be enough competition.

Well, the jury is in. The verdict? A recent independent poll showed that 87 percent of Medicare beneficiaries are satisfied with their prescription drug coverage. And, vigorous competition among drug plans will save taxpayers \$243 billion over 10 years.

I believe private competition can work. I would suggest we empower consumers and demand that private insurers compete on service to restore a true marketplace for insurance. We need to make it easier for Americans to compare health plans and the co-pays, networks, provider quality measures and access to medical records the plans offer.

In fact, President Obama has said Americans deserve the same health insurance that their members of Congress receive. Well, Federal employees and Members of Congress choose between a wide array of coverage options offered by private health insurers, selecting the plan that best fits their needs.

Ultimately, I want consumers, not Washington, to be in charge of their health care and to give them the ability to demand more from insurers through the marketplace.

In the coming weeks, America will see a debate that tests our ability to confront this enormous challenge yet still preserve bipartisanship and reason. We can meet in the center on a reform plan making major improvements in our health care system that puts us firmly on the path toward cost containment, universal coverage and, ultimately, fairness for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand now is the time for the majority. If somebody appears, I will be happy to yield the floor. I ask unanimous consent to proceed in morning business.

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

Mr. GREGG. I congratulate Senator NELSON for his excellent statement. His statement was very appropriate and on point on the issue of health care and health reform and the need for a bipartisan effort in this Chamber. He is one of the leaders in the ability to bring people together, and I congratulate him for a strong and thoughtful statement.

#### THE BUDGET

Mr. GREGG. Madam President, I wish to talk a little bit about the budget and specifically about the proposal

sent by the President yesterday. Yesterday the President sent us his formal budget. We have already voted on a budget, of course. We passed a budget. The President doesn't have to sign the budget. That is one of the ironies of our system. But he does present us with an outline. Because this was a transition year, it is traditional that the President doesn't send us in-depth proposals. He sends sort of a topical approach in early February and then sends us in-depth proposals later in the year. In the last few days, he sent the in-depth proposals. Among the proposals, and what is being most obviously highlighted, is requested rescissions in about 120 programs representing approximately \$17 billion. I congratulate him for that. That is an attempt to reduce spending in those accounts and recover those dollars back into the Federal Treasury.

But that has to be put in context, the initiative to save \$17 billion. That is a lot of money. It could run the State of New Hampshire for at least 3 or 4 years. But in the context of the Federal budget, it is not a dramatic amount. In fact, it represents less than one-half of 1 percent of the Federal budget, which will be approximately \$3.5 trillion this year. So taking \$17 billion out of spending programs is not going to solve our overall problem, which involves the fact that we are headed into a nonsustainable government because of the size of spending we are doing and because of the size of the debt we are running up. I do congratulate him for putting forward this initiative. I hope it will pass. I hope the \$17 billion will actually be passed by this Congress. But regrettably, most of the items he sent to be rescinded had already been sent by President Bush, not most but a significant amount. Forty percent had already been sent to us by President Bush and had been rejected by the Congress, which is too bad. It was unfortunate when they were rejected under President Bush. I hope the Congress will take a second look and accept them now that they have been given the imprimatur, the approval of President Obama, so we have a bipartisan effort to rescind at least 40 percent of the amount.

In the end, it doesn't change the out-year deficit figures at all. In fact, this amounts to less than an asterisk when it comes to the amount of debt and deficit which we will be running up as a government.

Even with this rescission of \$17 billion, assuming it was passed by the Senate and the House and signed by the President and these various programs were reduced, we would still run a deficit of 4 to 5 percent of gross national product over the next 10 years under the President's proposals. We would still run a deficit that would average \$1 trillion a year over the next 10 years. We would still run a deficit which would add to the debt at such a fast rate—in other words, deficits become debt—that we would end up with

a Federal debt that would be approximately 80 percent of the gross national product or doubling of the Federal debt during the first 5 years of this Presidency. None of those numbers will be changed by these rescissions because they don't go to the core of the problem.

The core of the problem is, the Government is being expanded dramatically, even while these rescissions are occurring. The rate of growth of the Federal Government, as a result of expanded spending which has been initiated by this administration, in large part, will dwarf any savings that occur under this rescission proposal. It is as if we had a vast desert of sand. It is as if this was the Gobi Desert or the Sahara Desert and we came along and took a few pieces of sand off the desert. It will virtually have no impact on the deficit and the debt as we move forward into the outyears because of the fact that while we are taking these few dollars out, which I congratulate the President for trying to do, we are adding back massive amounts of spending: \$1.4 trillion in new discretionary spending compared to the \$17 billion rescission, \$1.2 trillion in new entitlement spending compared to this \$17 billion rescission. We are taking a little spoonful of water out of the ocean while we are dumping a whole river into the ocean. So the water levels go up. The debt levels go up and the burden on our children goes up. The cost of the Government and the debt of the Government is and remains an unsustainable event for the Nation and for future generations.

If the President wishes to be serious about spending restraint—and I hope he is, though it doesn't appear that way from his budget—he would address the underlying problem, which is that we don't expand the Government to take up 23, 24, 25 percent of gross national product when it historically has been about 20 percent, that we don't radically expand spending programs until we have an economy that is generating enough revenues so we can pay for them and that we basically try to contain in the outyears the cost of entitlement spending by putting in place proposals which will lead to limiting the costs in the outyears.

The Senator from Nebraska was recently talking about health care. Health care is obviously at the core of issues of how we control costs around here and how we control the outyear growth of the Federal Government. We today spend 17 percent of the gross national product on health care. That is approximately 5 to 6 percent more than the next closest industrialized nation. Yet the President's proposals are to add another \$1.4 trillion on top of what we already spend in the area of health care. That makes no sense fiscally. It makes no sense from the standpoint of what the health care system needs. We already have enough funds in the health care system. We should agree that what we are going to try to do is

stabilize the cost of health care as a percentage of our gross national product and use the dollars that are already in the system to reform it.

We know we have a huge amount of surplus money in the health care system compared to any other industrialized nation. Rather than throwing more money at the problem, adding to the debt and deficit, let's try to be responsible about a reform program, to live within our means—they are not even our means—to live within what we are already spending and spend those dollars more wisely. Those are the types of initiatives we need.

Obviously, it is helpful to reduce spending by \$17 billion. I hope we accomplish it. Congress has rejected 40 percent of these proposals in the past, but I hope we change our minds. Just yesterday, for example, this Senate passed a housing bill which spent \$11 billion outside and on top of the budget, new spending. So we have already spent almost all the money represented as being saved by the President's proposal. Fiscal discipline does not seem to be the order of the day around here. I appreciate at least the effort, but I think it does have to be put in the context of the overall problem.

It is akin to taking a teaspoon of water out of a bathtub while we keep the spigot on at full speed and the bathtub doesn't fill up. It is a spigot of spending, of Government growth. There is a belief, regrettably, in this Congress, because of the majority view and from the White House, that by grandly expanding the Federal Government, by moving it dramatically to the left in its size, by growing it significantly, we somehow create prosperity.

We can't do it that way. The only way we can create prosperity is if we have a government we can afford. If we are running up deficits at 4 to 5 percent of GDP, if we are taking the national debt up to 80 percent of the gross national product, we will not create prosperity. We will create significant hardship for the next generation which has to pay off all the debt.

I hope this proposal for rescission which has been sent up will be followed on with proposals that are serious in the area of controlling the spigot which is dumping all the spending into the Federal account. Turn that down. Let's put some controls on the spending side of the ledger that get to the broader problem of the size of the debt and the size of the deficit in real numbers, not just at the margins.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## CREDIT CARD REFORM

Mr. TESTER. Madam President, I rise this morning to speak about an important plan to protect American consumers. Specifically, I call on the Senate to pass tough new reforms in the credit card industry. I have been working for months with my colleagues on the Senate Banking Committee to write this important new legislation. I am proud to have played a part in Chairman DODD's bill, the Credit CARD Act.

This bill includes legislation I introduced last year to outlaw what is called universal default. That is the term given when the credit card companies raise interest rates on customers if their credit scores fall for any reason—even if those customers pay their credit card bills on time. They may call that universal default, but where I come from in Montana, they call that a ripoff.

This reform legislation puts common sense and honesty back into the credit card industry. It will establish a new set of standards at a time when hard-working, honest folks are getting squeezed in this tough economy.

Simply put, Montanans are not happy with the credit card companies. All of us are getting fed up with hidden fees, high interest rates, and confusing small print. Every day, I get calls and letters and e-mails from folks back home who want the Senate to take action to rein in these predatory practices of the credit card industry. I have here in my hand a few of those examples.

The first one is from a man from Belgrade, MT, in Gallatin County. He writes this—and I will quote him at length:

These institutions have bilked us. They took the bailout money and had no qualms about undertaking more irresponsible actions to loot the American taxpayers and consumers again. I will use myself—a small business owner so small you might call us a nano-business—as an example. Four or five months ago, we hit a bump in the road and got behind with [our credit card company]. Knowing that this was going to be a temporary situation pending the closing on the sale of some property we owned, I stayed in at least weekly contact with [our credit card company] to keep them informed and assured them that we had every intention of meeting our obligation, which we did. What happened then is almost unbelievable. My interest rate was increased to over 27%. I was charged various fees for being late that amounted to over \$1100.00. . . . What really made me feel ripped off is that I had been a card holder [with that company] FOR TWENTY-SIX YEARS!!!

Madam President, I am all about personal responsibility. Folks need to make good decisions on their purchase obligations. But plastic personal debt can be very dangerous and addictive. Ordinary Americans can get in over their heads very quickly, and that is why the Senate needs to pass common-sense legislation to protect consumers from abuse.

A lady wrote me from Glacier County, MT, and said this:

I hope you will be willing to stand up to the banks when it comes to credit card regulation and oversight. Consumers need protection. In our home, we just saw interest rates on many of our credit cards jump for no reason. . . . How are we supposed to be participating in an economic recovery when our cash is being siphoned off for these unfair charges? You have a chance to do something about that—

She went on to say—

I hope that you will.

I, too, hope that we will. I hope the Senate will pass the Credit CARD Act. This bill will ban universal default, the jacking up of interest rates even when the account in question is in good standing. It will protect consumers who pay their bills on time by outlawing interest charges on debt paid on time. It gives consumers another week to pay their monthly bills. It limits fees and penalties. It ensures that cardholders will know the small print. And it protects young Americans, who are often most vulnerable, from predatory practices by the credit card companies.

I voted against the Wall Street bailout because handing bags of money to big Wall Street bankers and hoping the money would trickle down to Main Street small businesses and working families made no sense to me. Now we see some of the recipients of taxpayer bailouts jacking around the regular working folks who make this country run and who are having a hard time in this difficult economy, brought on by mismanagement here and by crooked deals on Wall Street.

It is important to note that not everyone in the banking industry is guilty of gross exploitation of the American consumer. But the bad actors on Wall Street and the credit card companies need to be reined in, and the rights of the regular public need to be protected.

I am pleased President Obama had the credit card executives down to the White House the other day to encourage them to treat consumers fairly. I call on the Senate to step to the plate and deliver meaningful legislation that will put in place commonsense consumer protections.

Thank you, Madam President. I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## GUANTANAMO: ANOTHER DAY OF UNANSWERED QUESTIONS

Mr. McCONNELL. Madam President, for the past several weeks, Republicans in Congress have expressed serious concerns about the administration's insistence on closing Guantanamo before it has a safe alternative. These concerns are rooted, among other things, in the fact that roughly 10 percent of the detainees who have already been released from Guantanamo have returned to the field of battle. These concerns are rooted in the fact that the administration has talked about releasing some of these trained terrorists into the United States—not into detention facilities but directly into our communities. These concerns are rooted in the fact that Americans like the fact that we have not been attacked at home here since 9/11, and they do not want the terrorists at Guantanamo back on the battlefield and certainly not in their backyards.

These concerns are real. Yet all we have gotten from the administration on this issue is silence.

Five weeks ago, Senator SESSIONS sent the Attorney General a letter asking what legal authority the administration has to release trained terrorists into the United States. He sent another letter asking the same question earlier this week. In response, he has gotten silence. Senator MCCAIN and Senator GRAHAM wrote an op-ed yesterday asking serious questions about what the administration plans to do with the detainees it releases or transfers from Guantanamo. We have not heard anything in reply.

These are not academic questions we are asking. When Americans hear about a former detainee named Said Ali al-Shihri, who was last seen serving as one of al-Qaida's top deputies in Yemen, calling on his Somali comrades to increase attacks on Americans ships, they have reason to be concerned. When Americans hear about a former detainee who was last seen serving as the Taliban's operational commander in southern Afghanistan, they have reason to be concerned. These are just a couple of the men previously deemed safe for transfer. They are living proof that the dangers of closing Guantanamo without a safe alternative are absolutely real. Yet all we get from the administration is a request for funds to close Guantanamo. Does the administration really think Congress will appropriate these funds before it presents us with a plan that keeps the American people as safe as Guantanamo has? The administration needs to explain its actions to the American people and their representatives in Congress. And Republicans will continue to ask these questions until they do.

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#### THE BUDGET

Mr. McCONNELL. Madam President, it is clear the budget the Democrats