

combined with the Las Vegas police department and is called the Clark County Metropolitan Police Department. The reason I mention that is anytime we see someone killed in the line of duty as a police officer, it is scary and sad. The men and women who protect us live with danger every day.

In Las Vegas, we had a police officer by the name of Milburn Beitel who is going to be buried today. His friends called him Millie. He was 30 years old. He died early last Thursday morning after his patrol car crashed at the intersection of Washington Avenue and Nellis Boulevard in Las Vegas. The officer with him is in very serious but stable condition. They expect him to live, thank goodness.

My thoughts and those of anyone within the sound of my voice and anyone who cares about law enforcement, which is everybody in America with rare exception, are with Officer Beitel's family, his friends and fellow officers. Our thoughts are also with the second officer, whom we wish a full and speedy recovery.

We also share the grief of the Las Vegas Metropolitan Police Department. This is the second time in 5 months that the department has lost one of its own. This past May, Las Vegas police officer James Manor, a husband and a brandnew father, was responding to a call in the same Las Vegas community where he grew up. He was struck by a drunk driver and killed. He was 28 years old.

Terrible events such as this one make us appreciate the selfless police officers who have fallen in the line of duty—far too many. We think of their loved ones, people whose father or mother went to work in the morning and never came home, those who know the terrible experience of mourning a son or daughter, those whose husband, wife, or best friend was taken from them too soon.

This morning, we are reminded of the bravery of those who go to work every day and put their lives at risk to protect people they don't know. We remember and honor Officer Beitel. We thank him and his fellow officers and their families for their service and sacrifice, not only the Las Vegas Metropolitan Police Department but police departments all over the country, for the valiant work they do, including the men and women who take care of this beautiful Capitol and protect us and the millions of visitors who come here every year.

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### MILITARY COMMISSIONS AMENDMENT

Mr. McCONNELL. Mr. President, most Americans recognize that our

continued success in preventing another terrorist attack on U.S. soil depends on our ability as a nation to remain vigilant and clear-eyed about the nature of the threats we face at home and abroad. Some threats come in the form of terror cells in distant countries, others come from people plotting attacks within our own borders, and still others can come from a failure to recognize that distinction between everyday crimes—everyday crimes—and war crimes.

This last category of threat is extremely serious but sometimes overlooked, and that is why Senators GRAHAM, LIEBERMAN, and MCCAIN have offered an amendment to the Commerce, Justice, and Science appropriations bill that would reassure the American people the Senate has not taken its eye off the ball.

The amendment is simple and straightforward. It explicitly prohibits any of the terrorists who were involved in the September 11, 2001, attacks from appearing for trial in a conventional U.S. courtroom. Instead, it would require the government to use military commissions; that is, the courts proper to war for trying these men.

By requiring the government to use military commissions, the supporters of this amendment are reaffirming two things: first, that these men should have a fair trial; and, second, we are reaffirming what American history has always shown; namely, that war crimes and common crimes are to be tried differently and that military courts are the proper forum for prosecuting terrorists who violate the laws of war.

Some might argue that terrorists such as Zacarias Moussaoui, one of the 9/11 coconspirators, are not enemy combatants, that they are somehow on the same level as a convenience store stickup man. But listen to the words of Moussaoui himself. He disagrees.

Asked if he regretted his part in the 9/11 attacks, Moussaoui said:

I just wish it will happen on the 12th, the 13th, the 14th, the 15th, the 16th, the 17th, and [on and on].

He went on to explain how happy he was to learn of the death of American servicemen in the Pentagon on 9/11. Then he mocked an officer for weeping about the loss of men under her command, saying:

I think it was disgusting for a military person to pretend that they should not be killed as an act of war. She is military. She should expect that people who are at war with her will try to kill her. I will never cry because an American bombed my camp.

There is no question Moussaoui believes he is an enemy combatant engaged in a war against us.

The Senate has also made itself clear on this question. Congress created the military commissions system 3 years ago, on a bipartisan basis, precisely to deal with prosecutions of al-Qaida terrorists consistent with U.S. national security, with the expectation that they would be used for that purpose. The Senate reaffirmed this view 2 years

ago when it voted 94 to 3 against transferring detainees from Guantanamo stateside, including 9/11 coconspirators.

We reaffirmed it, again, earlier this year when we voted 90 to 6 against using any funds—any funds—from the war supplemental to transfer any of the Guantanamo detainees to the United States. Just this summer, the Senate reaffirmed the view that military commissions are the proper forum for bringing enemy combatants to justice when we approved, without objection, an amendment to that effect as part of the Defense authorization bill.

Sometimes it seems like the only people who do not believe that men such as 9/11 mastermind Khalid Shaikh Mohammed should be treated as enemy combatants are working in the administration. How else can we explain the fact that over the summer the administration flew Guantanamo detainee Ahmed Ghailani to New York to face trial for bombing Embassies of the United States in Kenya and Tanzania, an attack that killed more than 200 people, including 12 Americans? This was an act of war. Ghailani does not belong in civilian court alongside con men and stickup artists.

Our past experiences with terror trials in civilian courts have clearly been shown to undermine our national security. During the trial of the mastermind of the first Trade Center bombing, we saw how a small bit of testimony about a cell phone battery was enough to tip off terrorists that one of their key communication links had been compromised.

We saw how the public prosecution of the Blind Sheik, Abdel Rahman, inadvertently provided a rich source of intelligence to Osama bin Laden ahead of the 9/11 attacks. We remember that Rahman's lawyer was convicted of smuggling orders to his terrorist disciples. These are just some of the concerns that arise from bringing terror suspects to the United States.

Trying terror suspects in civilian courts is also a giant headache for local communities, as evidenced by the experience over here in Alexandria, VA, during the Moussaoui trial. As I have pointed out in previous floor statements, parts of Alexandria became a virtual encampment every time Moussaoui was moved to the courthouse. Those were the problems we saw in Northern Virginia, when just one terrorist was tried in civilian court. What will happen to Alexandria or other cities if several men who describe themselves as "terrorists to the bone" are tried in civilian courts there?

It is because of dangers and difficulties such as these that we established the military commissions in the first place. If we cannot expect the very people who masterminded the 9/11 attacks to fall within the jurisdiction of these military courts, then whom can we?

Democratic leaders, including the President, assure us they would never release terror suspects into the United States. But lawyers have repeatedly

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