

The assistant legislative clerk proceeded to call the roll.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Mr. LEMIEUX. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### CONGRESSIONAL SPENDING

Mr. LEMIEUX. Mr. President, before I begin my remarks for today, I wish to say a few words about the tragedy that occurred yesterday at Fort Hood. I know I share the feelings of all Americans who were deeply saddened by the events of yesterday, and our thoughts and prayers go out to the families of the young men and women who were lost and who were injured in the tragic situation that occurred yesterday.

I also wish to take this opportunity to add words of appreciation to the first responders and the medical professionals who helped these men and women who were injured yesterday. It is heroes helping heroes that really shows America at its best. Our thoughts and prayers will be with all of these brave young men and women who were tragically slain yesterday, and their families.

Mr. President, the purpose for which I rise today is to talk about the spending of this Congress, something I have been doing for the last few weeks since I had the privilege to join this institution as the Senator from Florida. I have big concerns, and the more I have been here and the more I have seen over the past few weeks has given me even more concern.

Unlike American families and unlike the majority of American States, this institution spends money it doesn't have. Each day, we go more than \$4 billion in debt as we pay for programs we don't have enough money for—\$4 billion a day, the national debt grows. Additionally, we spend \$253 billion a year on interest payments. It is the fourth largest expenditure in the budget after defense, Social Security, and Medicare. So the fourth largest expenditure that we spend every year doesn't go to a new program, it doesn't go to help a person; it goes to pay for programs in the past that we couldn't afford. It took us until 1982 to go \$1 trillion in debt. Yet we are shortly coming upon nearly \$12 trillion in debt. In a matter of days, we will hit that number. More troubling still, this past year, 2009, this Congress, for its annual budget, grew a deficit of \$1.4 trillion. That is as much deficit as was accrued in the past 4 years combined.

So I plan to come to this Chamber every week and talk about the spend-

ing problem this Congress has in order to highlight this issue. It is of grave concern to me, not just as a Senator who represents 18 million people in Florida but as a father of three children—Max, Taylor, and Chase, 6, 4, and 2—and a baby on the way. My wife and I are concerned, as every parent should be, about their future. It is our obligation as parents to make sure they have better opportunities than we had. In fact, that is the American creed, that every generation ensures that its children have equal or better opportunities than the opportunities they enjoy. But I am concerned for my children and for all the children in this country that at this present rate of spending, we will not be able to ensure that they have those equal or better opportunities.

Congress is spending too much. Both sides of the aisle talk about fiscal restraint and fiscal discipline, and yet we keep spending more than we have. This government took in \$2.1 trillion in revenues this year; yet we spent \$3.5 trillion.

I am not used to this system because, as you know, I come from a State system, where I served as a chief of staff to a Governor. In Florida, we have to balance our budget. Every year we looked at the receipts. We anxiously looked, almost on a monthly basis, to see how much money was coming in to determine how much could be spent, or what kind of tax breaks could be given back to the people, or how much could be put in the reserves. Those were the good times. As the economy declined, we watched the money and made decisions about how much we were going to have to cut. At the end of the day, we had to balance the budget.

Congress doesn't do that. Congress spends more than it takes in, and it puts those obligations on our children and grandchildren who some day will have to pay off this debt. But the time to make tough choices should not be tomorrow; the time to make tough choices is today.

One of the first pieces of legislation I had an opportunity to consider and to vote on was an appropriations bill for housing, urban development, and transportation—important issues for this country. In the opportunity to consider that appropriations bill, this Congress could have cut spending or increased the deficit. Well, it chose to increase the deficit, and the increase was by more than 23 percent over last year's budget, in a time when we are spending much more than we have. In a time when we are about to have a \$12 trillion national debt, we decided to spend 23 percent more than we did last year. What did we spend the money on? Certainly, plenty of good things. Obviously, transportation and housing are important. But we spent money on a lot of questionable things, too. We built transportation museums—monuments to roads we have not yet built. We put up congratulatory signs, saying this is how we spent money on a road, and we funded airports with no planes,

as the number of Americans losing their jobs has now risen to a 10.2-percent national unemployment level.

We are spending \$700 million a day to pay the interest on the debt, and we are funding transportation museums. If we would have stayed at the spending level from last year and cut out these extraneous programs, congratulatory signs that tell us we built a road, transportation museums, and other spending programs—which some amendments sought to cut, but they did not pass—we would have saved \$12.7 billion. In Washington, \$12.7 billion doesn't sound like a lot of money. We talk about trillions of dollars here. But \$12.7 billion could have done a lot of good.

What could we have spent that money on? I think it is important to realize that every time we spend a dollar, we are making a choice. It is a choice about how we are going to direct this country's future. We can either return that dollar and not spend it, give it back to the people who paid it, or we could not spend it and not increase our debt and put that on our children's backs, or we could have spent it on something different and maybe better.

Here is an example: One thing I applaud the administration for in their stimulus program is they have \$8 billion set aside for high-speed rail. That is exactly the kind of thing this country should undertake. The Federal Government should not do much, but they can do things that communities and States cannot often do for themselves. High-speed rail is such a national-sized project, in my opinion, that the role of the Federal Government is there. It makes sense in this difficult economic time, because you will actually create thousands of jobs by building the high-speed rail. Once it is built, you will have a long-term gain, because that high-speed rail will be there to promote infrastructure, to promote jobs, and to ease the burdens on our everyday lives. There is \$8 billion in the Federal budget this year that States can apply for to build high-speed rail. My State has an application in, along with 40 other States. We are seeking \$2.5 billion to connect Orlando to Tampa, which would be fantastic for our State. I hope our State gets those dollars. But there is only \$8 billion to apply for, and there are 40 States that want the money. Imagine if we would have taken the \$12.7 billion we wasted here and put it into that program; maybe more States could have had high-speed rail.

Let me give another example. What can you do with \$12.7 billion? With \$12 billion, you could put 427,000 college students through a 4-year college. We have to realize every time we spend a dollar, it is a choice. That dollar could have been spent better, or it could have been returned to the people.

President Obama recommended in this appropriations bill that we cut \$211 million out of it. I don't think that

was enough, but let's give credit where it is due. He suggested we cut \$211 million. We didn't even do that. The Senate could only find \$15 million to cut and the House only \$20 million. Because of Congress's spending and the administration's lack of willingness to cut spending, President Obama has presided over more new domestic spending in his first 10 months in office than President Clinton did in 8 years.

One of the first bills I supported when I came here was the Budget Enforcement Legislative Tool Act of 2009. It is a long title. It is a proposal I think both Republicans and Democrats should be able to agree upon. The bill requires us in Congress to do an up-or-down vote on the President's recommendation on spending. In this case, we would have cut more than \$200 million if we would have adopted the President's recommendation; not enough but better than what we did.

I believe it is time to stop talking about cutting spending and do something about it. I am going to come each week to the floor and talk about the various appropriations bills we have gone over. I will keep a running tally, starting with the \$12 billion we could have saved in this appropriation. At the end of the day, hopefully, the comments I make will encourage others in this body and in the House of Representatives to take this spending situation seriously.

I guess all of us wish we were in the situation the Federal Government is in, where we could spend more than we have, in terms of income, and never have to pay it back. But the truth is, the Federal Government isn't in that situation either. One day the chickens are going to come home to roost. One day we are going to be accountable for the money we spend. One day it will impact our standing in the world. I believe that day is very soon. We already know that the banks of the world—the central banks—are starting to shed dollars. They no longer want to hold our currency because they are losing faith in the United States of America as the leading world financial power. We already know we are having to sell more and more debt to countries that don't even have our interests—countries such as China—and we already know we are losing our standing and our ability to move forward because the rest of the world doesn't feel we financially manage our situation well.

While our economy is straining, while countries look at us as suspect for our spending patterns, countries such as Brazil are on fire, American dollars and investments go there, because people think there is a better opportunity to make money in those countries than in the United States.

I want a better future for our children. If we are going to have a better future for our children, we are going to have to restrain our spending and get serious about balancing the budget of the Federal Government, as the States do and as families do across America.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. 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.

#### TRIALS OF THE 9/11 PERPETRATORS

Mr. WEBB. Mr. President, last night this body voted by a margin of 55 to 45 against an amendment I cosponsored, which had been offered by Senator GRAHAM, the purpose of which would be to prohibit the use of funds from the Commerce, Justice, Science appropriations bill to transfer individuals from Guantanamo and conduct trials of the alleged 9/11 perpetrators in the United States domestic court system.

The key argument in favor of tabling that amendment was that the President should be allowed discretion between using article III Federal courts and the military commissions that had been set up in Guantanamo.

First, I was clear to the President, and to others, that I recognize his constitutional authority to use article III courts in that type of situation. But, again, I want to express my deep concern that, as we proceed forward with examining the cases of those detainees who are at Guantanamo, this issue is actually going to get more complicated, and we should hope that the discretion the President uses is very narrowly applied.

The amendment Senator GRAHAM offered addresses only the six alleged perpetrators in the 9/11 situation. A number of my colleagues came up to me and said: If you have an individual who is conducting an act of terror on American soil, shouldn't the President be authorized the discretion to try them in a Federal court?

My personal view is, it is perhaps constitutionally permissible but inappropriate, in the same sense as on December 7, 1941, when Japanese bombers attacked Pearl Harbor. This was a foreign entity killing Americans, including American civilians, on American soil. It was not considered appropriate at that time, say, if we had a prisoner of war, if we shot a pilot down, that we would have brought them into the American court system and given them all due process rights, tried them for homicides, et cetera. They were combatants. They committed an act of war, and they should have been—and they were in the past—treated in that way.

My belief is, even with the 9/11 perpetrators conducting such acts on our soil, there should be a different way, a more proper way to address these situations that involve enemy combatants.

This issue is only going to get more complicated. We have a second incre-

ment of people who are at Guantanamo who are foreign nationals, not American citizens, who were apprehended on foreign soil—Afghanistan being a classic example—for acts of war that were conducted not in this country but, again, on foreign soil. They are in Guantanamo. One would question the logic of whether they should be brought on American soil to be examined by an American court system and then apprehended in American prisons. I strongly believe this is not the appropriate way to deal with these individuals and particularly since, with the national Defense authorization bill that was just signed by the President, we have built in appropriate procedural protections in the Military Commissions Act.

Then we have a third increment of people who are in Guantanamo who, we are told, because of either tainted evidence or the lack of sufficient evidence, may never be tried at all, nor will they be released because they are considered to be threats to our future at a time when we have ongoing, basically, combat relations against the international forces of terrorism, of which they are a part.

This third increment which, as I said, will probably never be tried, is also being considered relevant to move into the United States. Here is the question we are going to have to answer: If you bring these people into the United States, our Constitution provides that individuals tried in article III courts should have a right—or an individual subject to article III courts should be tried in a speedy manner. We all have a right to a speedy trial if you are in the United States. We are not going to do that. So then the question is: What are we going to do with them?

If you read the Supreme Court cases—and, again, as I said yesterday during the debate, I read in detail the Hamdi case which deals in part with this situation—if this individual is deemed an enemy combatant, they can be held for the duration of what we call the hostilities, until hostilities cease. That is a huge conundrum in terms of dealing with people who are not going to be charged, who are not American citizens, who are apprehended for acts outside our country and yet are going to be put into our prison system potentially indefinitely. I don't think it is going to reduce the situation we have had in Guantanamo in terms of the way a lot of people have viewed the processes that were in place there. I think it is only going to transfer that concern into the United States because these people will be detained in U.S. prisons, and I don't think that is going to be mitigated if these U.S. prisons happen to be military prisons.

I wished to come to the floor to express my concern that the President, who has been given the discretion through the vote yesterday which tabled the Graham amendment, should be using it very narrowly, should not be in a rush to shut down the Guantanamo