

and not get to choose the health care you are going to get or your family is going to get—defer the decisionmaking about you and your family's health care to a government bureaucracy?

All of us agree, Democrats and Republicans, we want to fix health care. All of us want prevention, wellness, management of chronic disease. All of us want as much freedom as we can give the American people. But the difference lies in how we do it and who pays the bill. That is why I started out with the article from Adrian Rogers. We are going to spend \$2.4 trillion on health care this year, and we are going to get back \$1.7 trillion worth of health care.

We should not be spending a penny more. What we should be saying to the Senate is: Why aren't you fixing what is wrong with this terrible, broken system? And the answer is: We need more money. That is the government's answer every time. Every time: We need more money. We need a new program.

We do not need a new program. What we need is to allow the individual entrepreneurship and ingenuity of the American people and give them the resources with which to buy their health care and make their personal choices, and what you will see is a dynamic that squeezes \$500 billion to \$700 billion out of the cost of health care in this country.

There are a lot of components. Health care is a complex issue. Everybody who worked on it knows it. It is hard in a 20- or 30-minute talk on the floor to explain a bill fully. But if you had absolute access, and you could afford health care, and you got to make the choices, and it did not cost your kids any more in the future to pay for that by borrowing against their future, most Americans would say: I will buy something like that. That is a fix.

And by the way, we are going to incentivize the \$40 billion we spend every year supposedly on prevention to where it is actually making some difference on cost. We are going to quit paying for food that is terrible for you through the Food Stamp Program. We are going to fix the School Lunch Program so we do not feed you high carbohydrates and fat. And we are going to give you protein, fruits, and vegetables. We are going to do that which is necessary to put us on a glidepath to where we have real health care instead of sick care in this country. People will buy that.

I cannot wait for the real debate to start on health care. When you hear the talk, and you read the articles that have been written—just for example, on comparative effectiveness, the director who is involved in that in England said it was the biggest mistake they ever made. It explains why people in England die earlier. It explains why they have a cancer cure rate about a third lower than ours. It explains why people cannot get care because they have a government option. They have a government option that eliminates the

ability for true choice, true access, and true affordability.

One of the things our bill will do is make sure, no matter how sick you are, you get an insurance policy. When it comes time for renewal, they cannot deny you. Our bill gives everybody insurance in this country and incentivizes you to the point where you will have extra money with which you pay for the additional costs associated with that care.

Our plan does not mandate anything, except the base minimum plan is the base minimum plan the Members of Congress get. If you want to buy more than that, you can. But nobody is going to tell you what you have to buy. You buy what is right for you, what is right for your family.

One of the costs of health care in this country—and it is about 8 or 9 percent of the cost of health care—is doctors like me ordering tests you do not need because I fear a malpractice lawsuit. We incentivize the States to make changes—very simple changes—do not eliminate the right of any individual to go to court, but set up health courts or set up judge-doctor-lawyer panels or a combination thereof, and we give them extra money if, in fact, they will do that. It is an easy, cheap buy. Because if we reform the tort system State by State, we get back about a hundredfold for every dollar we put out that comes out of health care that will then go to prevention, wellness, and management of chronic disease.

We have cost-shifting in this country. If you opt out and you go to an ER, your State can buy you a high-deductible policy, whereas you are still covered. You are not going to ever lose your home because you had an accident or you had a major health complication because you will be auto enrolled as soon as you hit the ER. So we eliminate about \$200 billion in cost-shifting.

I have just outlined \$500 billion that can go away under our bill out of \$2.4 trillion—money that does not help anybody get well, money that does not prevent anybody from getting sick.

I had an orthopedist in my office today and he had a patient who he thought had a torn anterior cruciate ligament. That is a ligament connecting the femur to the tibia. And she could not relax. He is a good orthopedist. By clinical exam, you can tell if somebody has torn an ACL, anterior cruciate ligament. So he said: Well, you can't relax. We'll do an MRI. So she comes back a week later and says: Doctor, I didn't do the MRI. I didn't want to pay for that. And she brought a glass of wine with her, a glass of chardonnay. She said: I think if I drink this, about 15 minutes after I drink this, I think I will be relaxed enough for you to do it. Well, sure enough, she did, and she relaxed. She had a torn ACL, and she never had to have an MRI. It just saved us about \$1,800. It saved her and us \$1,800. He could have given her xanax and done the same thing.

But the point is, she made a logical decision not to spend \$1,800 because there was another way of doing it. Part of that was because she had a \$5,000 deductible health care policy, so she made a good economic choice. Multiply that 100,000 times in this country every month and see how much money we can take out of the health care system by people acting in their own best health interest and financial interest.

We have a lot in front of us, and we have a lot that is riding on us. I hope we get to see the bills, which we have not seen yet, and what people want to do. The first bill out is: The government does everything; the government is in control. There is not one government program that either offers the services or is not bankrupt that we have on health care today. Medicare is bankrupt. Medicaid—we are bankrupt, so they are bankrupt. They have \$80 billion worth of fraud in Medicare; \$40 billion worth in Medicaid. The Indian Health Service is a sham, especially on the reservation, because we do not have the quality and we have not put the money there. Why shouldn't a Native American have an insurance policy to be able to buy health care wherever they want? Why shouldn't a veteran be able to get care wherever they want rather than have to travel 200 miles to a VA health care center? Why can't we keep the commitment that we would say: If we are going to offer you access, then we are going to offer you access to the best, the highest quality health care, with you making the decisions about your care, when you get that care, and who gives you that care.

The patient has to come first. Senators' egos have to come second. And we have to fix this program in a way that not only solves the health care crisis but does not create another crisis for our children down the road.

With that, I yield the floor.

I thank my colleague from Rhode Island for his patience, and I wish him a good night.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is always a pleasure to hear the Senator from Oklahoma discussing health care, which I know is very dear to him. So I did not feel my time was wasted listening to him speak on that subject, and I wish him a good evening as well.

Mr. President, I ask unanimous consent, if I may, to speak in morning business, but to exceed the 10-minute rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GASPEE DAY

Mr. WHITEHOUSE. Mr. President, the Boston Tea Party is one of the celebrated events in American history. From a young age, Americans learn the story of the men who crept onto British ships moored in Boston harbor on December 16, 1773, to toss overboard

shipments of tea that the English sought to tax. These Massachusetts patriots yearned for liberty, opposed "taxation without representation," and stepped into history books with this simple act of defiance.

But conspicuously absent from too many of those same history books is a group of Rhode Island men who took on the British Crown in a bold, insubordinate gesture matching the temper of their bold and insubordinate colony more than a year earlier than the Boston Tea Party. This evening, I would like to share the story of the H.M.S. *Gaspee*, a daring group of Rhode Islanders, and the real beginning of the fight for American independence.

In the early 1770s, as tensions between England and her American colonies grew increasingly strained, King George III stationed the H.M.S. *Gaspee*, under the command of Lieutenant William Dudingston, in the waters of Rhode Island. Its mission was to search incoming ships for smuggled goods and contraband and to enforce the payment of taxes.

On June 9, 1772, 237 years ago tonight, the sailing vessel *Hannah* was traveling from Newport to Providence, when it was intercepted by the *Gaspee* and ordered to stop to allow a search. On board the *Hannah*, CAPT Benjamin Lindsey refused and continued on his course, despite warning shots fired by the *Gaspee*. Under full sail and into a falling tide, the *Hannah* pressed north up Narragansett Bay with the *Gaspee* in hot pursuit. Overmatched in size, Captain Lindsey found advantage in guile and in his greater knowledge of Rhode Island waters. He led the *Gaspee* to the shallow water of Pawtuxet Cove. There, the lighter *Hannah* sped over the shallows, but the heavier *Gaspee* ran aground in the shallow waters off Namquid Point. The *Gaspee* was stuck, until the higher tides of the following day would lift her from the mud.

Captain Lindsey proceeded on his course to Providence, where he met with a group of Rhode Islanders, including John Brown, a community leader whose family helped found Brown University. The two men arranged for a meeting of local patriots at Sabin's Tavern, on what is now Providence's east side, later that evening. At the meeting, the assembled Rhode Islanders decided to act. The HMS *Gaspee* was a symbol of their oppression and she was helplessly stranded in Pawtuxet Cove. The opportunity was too good to pass up.

That night, there was no moonlight on the waters of Pawtuxet Cove. The *Gaspee* lay silent on the sandbar. Down the bay from Providence came 60 men in longboats, led by John Brown and Abraham Whipple, armed and headed through those dark waters for the *Gaspee*.

When the men reached the *Gaspee* and surrounded it, Brown called out and demanded that Lieutenant Dudingston surrender his vessel. Dudingston refused and instead ordered

his men to fire upon anyone who attempted to board the *Gaspee*.

That was all these Rhode Islanders needed to hear, and they rushed the *Gaspee* and forced their way aboard her. In the violent melee, Lieutenant Dudingston was shot in the arm by a musket ball. Rhode Islanders had drawn the first blood of the conflict that would lead to American independence, right there in Pawtuxet Cove, 16 months before the "Tea Party" in Boston.

Brown and Whipple's men seized control of the *Gaspee* from its British crew and transported the captive Englishman safely to shore. They then returned to the abandoned *Gaspee* to set her afire and watched as the powder magazine exploded, blowing the ship apart and leaving her remains to burn to the water line. That historic location is now called Gaspee Point.

Since that night in June, 237 years ago tonight when the *Gaspee* burned, Rhode Islanders have marked the event with celebration. This year, as I do every year, I will march in the annual Gaspee Days Parade in Warwick, RI. Every year, I think about what it must have been like to be among those 60 men: muffled oars on dark waters; comrades pulling with voices hushed; a shouted demand, the indignant response, and then a pell-mell rush to clamber aboard; the oaths and shouts of struggle, gun shots and powder smoke, the clash of sword and cutlass; and when it was over, the bright fire of the ship in the night, the explosion turning night to day and reverberating across the bay and the hiss and splash as the pieces fell and the water claimed the flames.

I hope that one day the tale of the brave Rhode Islanders who stormed the HMS *Gaspee* will be remembered among the other stories of the Revolution and that they will be given their due place in our Nation's history beside the tea partiers of Boston.

I hope, frankly, on an annual basis, to come back to this floor and relate that story over and over and over again. It is a proud part of Rhode Island's heritage.

#### TORTURE

Mr. WHITEHOUSE. Mr. President, I wish to now change the subject and speak about an incident that is not part of anybody's proud heritage and that is the evidence we have recently heard about America's descent into torture. I know it is an awkward subject to talk about, an awkward subject to think about. On the one hand, we, as Americans, love our country, we hate the violence that has been done to us, and we want more than anything to protect our people from attacks. On the other hand, torture is wrong and we have known it and behaved accordingly in far worse circumstances than now.

When Washington's troops hid in the snows of Valley Forge from a superior

British force bent on their destruction, we did not torture. When our capital city was occupied and our Capitol burned by troops of the world's greatest naval power, we did not torture. When Nazi powers threatened our freedom in one hemisphere and Japanese aircraft destroyed much of our Pacific fleet in the other, we did not torture. Indeed, even when Americans took arms against Americans in our bloody Civil War, we did not torture.

I know this is not easy. Our instincts to protect our country are set against our historic principles and our knowledge of right versus wrong. It is all made more difficult by how much that is untrue, how much that is misleading, and how much that is irrelevant have crowded into this discussion. It is hard enough to address this issue without being ensnared in a welter of deception.

To try to clarify it, I wish to say a few things. The first is that I see three issues we need to grapple with. The first is the torture itself: What did Americans do? In what conditions of humanity and hygiene were the techniques applied? With what intensity and duration? Are our preconceptions about what was done based on the sanitized descriptions of techniques justified? Or was the actuality far worse? Were the carefully described predicates for the torture techniques and the limitations on their use followed in practice? Or did the torture exceed the predicates and bounds of the Office of Legal Counsel opinions?

We do know this. We do know that Director Panetta of the CIA recently filed an affidavit in a U.S. Federal court saying this:

These descriptions—

He is referring to descriptions of EITs—enhanced interrogation techniques—the torture techniques.

He says in his sworn affidavit:

These descriptions, however, are of EITs as applied in actual operations and are of a qualitatively different nature than the EIT descriptions in the abstract contained in the OLC memoranda.

The words "as applied" and "in the abstract" are emphasized in the text.

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The questions go on: What was the role of private contractors? Why did they need to be involved? And did their peculiar motivations influence what was done? Ultimately, was it successful? Did it generate the immediately actionable intelligence protecting America from immediate threats that it had been sold as producing? How did the torture techniques stack up against professional interrogation?

Well, that is a significant array of questions all on its own, and we intend to answer them in the Senate Intelligence Committee under the leadership of Chairman FEINSTEIN, expanding on work already done, thanks to the