claims are likely to cause youth to take up tobacco for the first time.

When smokeless tobacco manufacturers aggressively marketed their products to young people in the 1970s, often with themes suggesting that they were less harmful than cigarettes, use of those products increased among adolescents.

The Burr substitute only allows the agency to look at the impact of health claims on individual users of tobacco products.

It does not allow the agency to consider whether the reduced risk claim would increase the harm to overall public health by increasing the number of youth who begin using tobacco products or reducing the number of current users who quit.

The Senator from North Carolina has criticized the Kennedy bill for limiting tobacco advertising to black-and-white text-only material in publications with significant youth readership.

The Burr substitute would allocate 25 percent of the bottom front of the package to a warning label.

In contrast, the Kennedy bill reflects the latest science on warning labels by requiring text and graphic warning labels that cover 50 percent of the front and back of the package.

Clearly, a health warning that takes up the top half of the front and back of a package will be more noticeable and up the top half of the front and back of the package to a warning label. That is the smokeless tobacco approach, not the public health approach. The Kennedy bill is a strong and carefully crafted solution that puts the public health first.

The Kennedy bill is the bill that should be enacted.

EXTENSION OF MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that morning business be extended until 12:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mrs. HAGAN). Is there objection? Hearing no objection, it is so ordered.

Mr. DURBIN. Madam President, I have about 10 minutes remaining, and then I will be glad to yield to the Senator from Kentucky, who has been sitting here. I ask unanimous consent that when I conclude my remarks, the Senator from Kentucky be recognized to speak as on this pending business.

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

GUANTANAMO

Mr. DURBIN. Madam President, if you got up early this morning—like about 6 a.m.—and turned on the television, you would have heard a historic speech. President Barack Obama is in Cairo, Egypt, this morning—our time this morning—that is, 7:30 a.m. —and he spoke in Cairo. I listened to his speech. Now, I am biased because he is from Illinois, and I think he was so highly of him, but I think what he tried to do was to explain to them how we can develop a positive relationship between people of the Islamic faith and America, and I thought he laid out the case very well in terms of our history, our tolerance, the diversity of religious belief in our country, and how important it was to our heritage that anyone could say what they believed in freedom.

The President inherited a recession, two wars, and over 240 prisoners in Guantanamo. President Obama knew this and said in his first Executive order that the United States will not engage in torture and within a year or so we will close the Guantnamo corrections facility. I think it was the right decision but the right decision but the right decision. If we are truly going to break with the past and build new strength and alliances to protect the United States, then we have to step up with this kind of leadership.

The President inherited a recession, two wars, and over 240 prisoners in Guantanamo, some of whom have been held for 6 or 7 years. Many of these people are very dangerous individuals who should never, ever be released, at least as long as they are a threat to the safety and security of the United States or a threat to other people. Some should be tried. They can be tried for crimes
and, if convicted, they can be incarcerated. Others may be sent to another country, maybe returned to their own country of origin.

One of these prisoners I happen to know a little about because he is represented by my friend Chuck Grassley. He is Palestinian. He is from Gaza and was captured when he was 19 years old. He has now been held in prison for 7 years. He is now 26 years old. Last year, our government notified him and his attorney that we have no current charges against him. For years, they have been trying to find a place to send him. He stayed another year in prison while we are trying to determine where he should be sent.

Each of these 240 cases is a challenge to make sure we come to a just conclusion as to each person and never compromise the safety of the United States.

A little over a week ago, the President went to the National Archives and gave a speech about Guantanamo and what we are going to do, and he made it clear that some of these people will be tried in our courts, some of them may end up in prisons in the United States, some of them may end up being held here in this prison. We are experimenting with these extremists and a danger to the United States, and some may be sent to other countries. They are trying to work out 240 different cases. It is not an easy assignment.

The reason I raise this is because it is clear that as long as Guantanamo remains open, it is going to be an irritant to many around the world and lead to the recruitment of more people to engage in terrorism against the United States. Don't accept my conclusion on that. The Chairman of the Joint Chiefs of Staff, ADM Mike Mullen, said:

The concern I've had about Guantanamo in these wars is it has been a symbol, and one which we knew was a recruiting symbol for those extremists and jihadists who would fight us.

On the floor of the Senate this morning, shortly after the President's speech, the Republican minority leader, Senator MCCONNELL of Kentucky— as he has many times before—came to discuss Guantanamo. He said explicitly—and he may have said this before, but I just want to make it clear that I am reading from the transcript of what he said on the floor this morning— "Like most Americans, I'm for keeping Guantanamo open." So he clearly disagrees with the President. He wants Guantanamo to stay open. I certainly hope that it doesn't. I don't want this recruiting tool for terrorists to continue.

Senator MCCONNELL has raised the question repeatedly of whether it is safe for us to bring Guantanamo detainees to the United States for a trial or for incarceration. I think it is, based on the fact that we currently have 347 convicted terrorists serving time in American prisons today. Over half of them are international terrorists, and some of them are in my State of Illinois at the Marion Federal penitentiary. They are being held today. As I traveled around southern Illinois last week, I didn't hear one person step up and say: I am worried about the terrorists being held at the Marion prison.

In fact, I went to the Marion prison, met with the guards and the warden and corrections officers and asked them this: What do you think about Guantanamo detainees?

Well, they were somewhere between insulted and angry at the notion that they couldn't safely incarcerate a Guantanamo detainee. One of the guards said to me: Senator, we have more dangerous people than that in this prison. We have serial killers, we have sexual predators, we have terrorists from Colombia, we had John Gotti—the syndicate kingpin. We held these people safely, and we can do it. That is what we do for a living. So don't you worry about putting them in this prison. We can take care of them. We have not had an escape, and we are not going to.

So when Senators come to the floor and suggest that these detainees cannot even be brought to the United States for trial and held in a prison while they are going to trial, that it is somehow unsafe to America, defies logic and experience. If there is one strength we have in this country—and you can debate it—we know how to incarcerate people. We have put more people in prison per capita than any nation on Earth, certainly in the supermax facilities, and we must continue to. And this idea that we have to keep Guantanamo open because there is not a prison in America where they can be held safely is not true. The 347 convicted terrorists being held in America today are living proof that is not true.

This tactic of opposing the closing of Guantanamo is based on fear—fear that is being pedaled on this Senate floor that these people can't be held safely and securely in the United States. It is the same fear that led people to conclude that our Constitution wasn't strong enough to deal with a war on terrorism, and therefore we had to look for ways to go around it when it came to wiretapping and interrogating prisoners. These are the same people who had fear that our courts in America couldn't handle the cases before them if they dealt with terrorism. They have done that many times over. It is the same fear that our law enforcement authorities can't do their job effectively, when, in fact, they can.

We cannot as a nation be guided by fear. And those politicians who come up and make speeches, whether it is on radio or television or on the floor of Congress, and who try to appeal to the fear of the American people aren't doing us any favor. We are not a strong nation cowering in fear. We are a strong nation—it is not true. The 347 convicted terrorists being held in America today are living proof of that. We will not in any way harbor or encourage terrorism and extremism. We are proud of our values. We can stand by them even in the toughest of times. And we are proud of the institutions of America that we have created and that make us strong.

I don't think those who come to this argument out of weakness and fear have a leg to stand on. And when the argument was made on the floor this morning that we should keep Guantanamo open, I would like to think that those who heard President Obama in Cairo, Egypt, and across the Muslim world today and who were encouraged by his aspirations to higher values and a better place for the United States will understand that this statement by one Senator on the floor of the Senate doesn't represent where America needs to go.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUNNING. Madam President, I wish to conclude briefly by saying we have a chance to do the right thing, to close Guantanamo in a safe and secure fashion, to put these prisoners in supermax facilities, to stop the use of Guantanamo as a recruitment device for al-Qaeda. Turning them loose in countries around the world may mean the release of terrorists and more problems to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, we are in morning business, is that correct?

The PRESIDING OFFICER. The Senator is correct.

FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT

Mr. BUNNING. Madam President, I have four amendments I wish to discuss to the pending bill. I will not call them up but I wish to discuss them. When the bill is presented on the floor, then I will come back and talk about the specific amendments that are going to be considered in the first tranche of amendments.

First, I rise today in strong opposition to the tobacco regulatory bill on the floor. This sweeping legislation would dramatically increase the FDA's regulatory authority outside the scope of original congressional intent. This is something that Congress did not intend to give the FDA when we wrote the Federal Food, Drug and Cosmetic Act, and that intent was even upheld by the U.S. Supreme Court in 2006. Yet there are still some of my colleagues out here who believe it would be safer for the American public to regulate tobacco under the FDA. They argue that, by doing so, we will help reduce the negative effect of smoking and prevent underage smokers.

As a grandfather of 39 grandchildren, believe me, I want to keep cigarettes out of the hands of kids. But the bill before us today does not do that. It is not an attempt to eliminate our national tobacco industry. The big problem with this approach is that our Nation's tobacco