

I have talked with the Republican leader about other things we wish to try to accomplish before we leave here during this spring period.

RECOGNITION OF THE MINORITY LEADER

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

GUANTANAMO BAY

Mr. MCCONNELL. Mr. President, tomorrow night in Berlin, Attorney General Holder is scheduled to deliver a speech about the administration's plan to shut down the detention facility at Guantanamo Bay by the arbitrary deadline of January 2010.

Many Americans are skeptical of the administration's decision to close Guantanamo before it has a plan to deal with the 240 terrorists who are currently housed there. And Americans were rightly alarmed by recent news reports that the administration is considering releasing some Guantanamo detainees into the U.S.—not to detention facilities, but directly into our neighborhoods.

Aside from the question of why the Attorney General thinks a German audience should hear about the administration's plans for Guantanamo before the American people do, there are a number of questions about the administration's plan for releasing terrorists into the United States that I hope the Attorney General will address tomorrow night.

Question No. 1: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist training, or belongs to a terrorist group? That is U.S. law.

Question No. 2: Can the administration guarantee the safety of the American people, particularly in the neighborhoods where these terror-trained detainees will live?

Question No. 3: Will the residents of the communities where these men will be released be made aware of it?

Question No. 4: Will these trained terrorists be allowed to travel freely anywhere in the United States?

Question No. 5: What will their status be? Will they be allowed to stay here permanently? Will they be eligible for citizenship? Will they receive or be eligible to receive taxpayer funding? Why did no other country agree to accept them? What threat do these men pose of returning to terrorist activities and what threat assessments have been conducted to evaluate whether these men will attack U.S. troops on the battlefield or Americans at Embassies abroad?

There are now less than 300 days until the President's Executive order mandates the closure of the secure detention facility at Guantanamo and

the transfer or release of its remaining detainees. I recognize the difficulty of the challenge these detainees present, but we shouldn't let an arbitrary deadline and a desire to appease critics overseas lead to decisions that make American citizens less safe.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF KATHLEEN SEBELIUS, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kathleen Sebelius, of Kansas, to be Secretary of Health and Human Services.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 8 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate confirmed the first member of President Obama's Cabinet more than 3 months ago. Today, we are here to finish the job.

It has taken some time to get here. But now we have a great nominee to be Secretary of Health and Human Services.

Today, we will vote to confirm the nomination of Governor Kathleen Sebelius to be Secretary of HHS. She is the right person for the job.

Governor Sebelius comes to us with a long list of qualifications. She is a true public servant. For more than 6 years, she has served as Governor of Kansas. For 8 years, she served as the Kansas Insurance Commissioner. And for 8 years before that, she served in the Kansas State Legislature.

Governor Sebelius has devoted a career to serving the public. She understands the legislative process. She understands the administrative process. And she has experience working with the private sector, too. Governor Sebelius has earned the respect of Republicans and Democrats alike.

Governor Sebelius knows a lot about health care. She is committed to protecting people and getting them the health care that they need. As Governor, she worked hard to make sure that Kansans—especially kids—had access to quality health insurance that they could afford. And as Insurance Commissioner, Governor Sebelius blocked a merger that would have made insurance unaffordable.

In addition to protecting consumers, Governor Sebelius also recognizes the need to bring businesses together to make our health care system work.

As Governor, she worked hard to make health care costs more manageable for businesses. And she worked to get more small businesses to offer health insurance coverage. Governor Sebelius doubled the small business tax credit.

Governor Sebelius' record shows that she approaches problems from all sides. She is prepared to try creative solutions. She is forward-thinking. She is willing to work with everyone. And she is not afraid to lead—even when faced with difficult choices and resistance to change. That is just the kind of leadership that we need in the Secretary of Health and Human Services.

Governor Sebelius has proven that she is willing to work hard and it is a good thing because we have a lot of work to do.

Our health care system is broken. We spend more than any other country on health care—more than \$2.4 trillion annually—and we don't even cover all Americans.

Forty-six million Americans lack health insurance, and another 25 million Americans are underinsured—they have some coverage but not enough to keep their medical bills manageable. That is why medical debt contributes to half of all bankruptcies—affecting about 2 million people a year.

American families are struggling to keep up with the high costs of health care. And American businesses are straining to absorb these rising costs while trying to stay competitive at home and abroad.

The path that we are on is not sustainable. We must inform our health care system and we must do it now. Failure to address problems in the health care system will undermine our efforts to restore the economy.

We need a health care system that meets all of our needs. A high-performing health care system would guarantee all Americans affordable, quality coverage no matter their age, health status, or medical history.

Health care reform will help to stabilize our economy and it will make sure that we are prepared to handle our long-term fiscal challenges.

Congress has made a good start toward reform. But there is still a long way to go.

Last year, we in the Finance Committee started the process by holding ten different health reform hearings. We learned about the problems in our current system and started to develop solutions.

In June, along with my colleague CHUCK GRASSLEY, I hosted a day-long health care summit for the Finance Committee at the Library of Congress.

We engaged our colleagues in the process early on. In November, I released a white paper, "A Call to Action," to outline my vision for health care reform. Since then, I have been

working closely with Senator GRASSLEY and the Senators on the Finance Committee. I have been working with other Senators as well, especially Senator KENNEDY and the HELP Committee, to come up with meaningful, comprehensive health reform legislation we could pass this year.

Last week, the Finance Committee held the first of three roundtables. We discussed delivery system reform. Tomorrow we are walking through some policy options. In the coming weeks, we will have two more roundtables and work through other policy options in other areas.

Senators will weigh the options. They will contribute to the process. By June, we will be ready for a Finance Committee markup. We are working together to make good progress, but Congress cannot do this alone. Congress needs a strong partner at HHS to pass comprehensive health reform.

We are developing a framework that will change how health care is delivered. But we need a first-class Secretary and team at HHS to help get reform off the ground and to make it work. I look forward to working with Governor Sebelius to make sure our bill can be implemented. I wish to make sure we send the Secretary a product that sets the rules of the game. We wish to make sure we also give the Department and agencies the flexibility they will need to play their part effectively.

It will be a long and iterative process, with a lot of back and forth. I am pleased we will be able to get started quite soon.

Governor Sebelius is the right person for the job. She has political experience, determination, and a bipartisan work ethic to get the job done. She has been an insurance commissioner, and she knows the nuts and bolts of the health care system. She has been a Governor, so she knows how to work with Democrats and with the Republicans; that is her inclination anyway.

I have no doubt Governor Sebelius will continue to show her commitment to public service as Secretary of Health and Human Services, and the American people will benefit from her service. Let us finish the job in confirming President Obama's Cabinet. Let's place a fine public servant in office, and let's confirm Gov. Kathleen Sebelius to be Secretary of HHS.

Mr. President, I wish to yield 5 minutes to the Senator from Virginia, Mr. WARNER, for him to speak when he can get recognition. Pending that recognition, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BAUCUS.) Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise in support of the nomination of Gov. Kathleen Sebelius for Secretary of Health and Human Services. Mr. President, let me say at the outset how grateful all our Senate colleagues are for your leadership on the terribly important issue of health care reform.

As we think about economic recovery, I think most Members of the Senate realize there will not be true comprehensive economic recovery in this country unless we can also take on the massive challenge of reforming our health care system. The current costs of our health care system, \$2.4 trillion and rising, are costs that are not sustainable over the long term.

I applaud the President's activities in this effort and his efforts to try to bring about the kind of bipartisan consensus on health care reform the Nation so desperately needs. That is why I think it is so important that later today the Senate act rapidly in the confirmation of Gov. Kathleen Sebelius.

I have had the opportunity to get to know Governor Sebelius during my tenure as Governor of Virginia. I have worked closely with her on a range of issues, particularly issues revolving around Medicaid reform. There is no issue that confronts States across the country more than the rising cost of Medicaid.

As we take on health care reform at the Federal level, reform of Medicaid is a critical component, and Governor Sebelius has a long record of working with other Governors all across the country, from both parties, in this important area.

As the Presiding Officer laid out, she brings a unique set of skills to the challenge: Former State legislator, former State insurance commissioner, and now a two-term Governor of Kansas. As we strive in this body to try to reach bipartisan consensus on this terribly important issue, no one brings a better record of working across the aisle to reach that bipartisan consensus than Governor Sebelius.

Governor Sebelius has a legislature that is overwhelmingly of the opposite party, but her overwhelming reelection and her ability to show tangible efforts in the area of health care reform in Kansas gives her the appropriate background to take on this challenge in the national debate.

For example, Governor Sebelius worked with her legislature and her small business community to significantly increase tax benefits to small business for healthcare; employees in this area of our economy are oftentimes left behind. Governor Sebelius recently worked with her legislature as well on a dramatic expansion of the SCHIP program, a legislative initiative that was actually introduced by the Republican legislative leadership. Again, she worked in concert with the opposite party.

As we move forward on the issue of health care reform, which I know the

Presiding Officer will take the leadership on in the Senate, we need, and President Obama needs, someone who has a long-term record of building bridges between parties.

Health care reform is too important not to have this kind of consensus-building activity. Governor Sebelius has the background. Governor Sebelius has the track record in health care. I can speak, personally, that she has the temperament to work to try to bring both sides together.

I would also add, I think most of us in these last few days have not been able to pick up a newspaper or talk to our constituents back home without hearing about growing concern about the possibility of a swine flu pandemic.

This challenge has already paralyzed the country of Mexico and is one that we all are following very closely, particularly the possible rise of cases in the United States. This challenge, potentially confronts our Nation in a very dramatic way.

It is essential for the health of the Nation that President Obama has in place, and the Nation has in place, a strong Secretary of Health and Human Services to make sure our Federal efforts on this potential pandemic are ably coordinated—one more reason why it is critical this body moves quickly to confirm the nomination of Governor Sebelius. I know we will act on this later today.

But I believe, from a personal standpoint, Kathleen Sebelius will be a great addition to President Obama and to his Cabinet and will be a great partner to you, Mr. President, and our colleagues in making sure we bring about health care reform quickly, rapidly, and properly this year.

Mr. President, I yield the floor and ask that the time of the quorum call be charged equally against both sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, over the past 8 weeks, there has been a Senator in here who has struggled with the birth of twin granddaughters born at 30 weeks, to a first-time mom, his son's wife, and went through a struggle that was near death multiple times.

But yet today, I am pleased to announce that those two baby girls are at home with their parents, thriving, thriving now, life held in the balance, brought out of that balance by modern medicine. Now they will be successful, contributing citizens, with potential that will be manifested in millions and millions of ways that we can all look forward to and accept as a natural response to our procreative abilities.

Why do I bring that up? There was not anybody in this room, and probably

anybody listening, who did not smile when we talked about the potential of two new young children, two new young girls who are going to make an impact, maybe just locally, maybe just in their family, maybe nationally. But the fact is we have joy when we see that kind of outcome.

The reason I tell that story is because it fits who we are as human beings. It fits with our idea of the pursuit of life, of liberty, and of happiness. That right is guaranteed to us under the Constitution.

Kathleen Sebelius is, undoubtedly, a public servant to be honored for her years of commitment in the roles she has held. But I believe she has a drastic and fatal character flaw and it is this: She still believes that if a woman came with those twins at 30 weeks, to a doctor in Kansas, and she wanted to abort them, even though they are viable, that would be fine.

Now we are about to put someone in charge of Health and Human Services of this Nation who has this vital flaw of not recognizing the value of these two young children's lives. What does it say about where we are going to go? What does it say about the judgment process under which we applaud her service but do not recognize this one critical flaw that says: Individuals can decide what individuals have life.

We do that collectively under the law. But we do not do it collectively and discriminately on the basis of making decisions that someone ought not to have life at the very beginning.

I believe that is a disqualifier. I believe as we embrace more and more people into leadership roles in our Government who walk away from this very basic characteristic of human existence, this very basic necessity that recognizes the value—we are not talking about a first-trimester abortion, we are talking about snuffing life from viable children.

I am also unsettled as to her beliefs under the conscience protection for health care providers. If, in fact, you think it is OK to take a 36-week child in the womb who is an inconvenience for someone and that we, as a society, can't handle that, our choice is to snuff it out, how far does it go before we require the provider community to snuff it out? There were no assurances given in her testimony that that will not happen. We have already seen the Obama administration work to look at reversing the guidelines from the last administration clarifying particularly what the providers' roles are. It says a lot about where we are as a society, about our misplaced values.

The other problem I have—it is one I have never voiced before from this Chamber—is the idea that we as politicians embrace somebody for a position because they are a politician, because they have spent years being a career politician, and that that qualifies them, the Governor of a very small State population-wise, to handle and lead on all these areas of health care.

It does not recognize the complexities of the management organization at HHS, the difficulties they have in terms of carrying out their charges. It recognizes past performance in a political arena and equates that as capability in a management arena. If we continue to measure political success and confuse it with the ability to have management success, we will continue repeating the same mistakes in both Republican and Democratic administrations.

My largest worry is not in the short term, it is in the long term. What our country lacks today, what it yearns for today, what it deserves today is courageous, moral leadership, not political leadership. It is OK to have a debate about the controversies society faces. It is not OK for us to run because we are going to get hit by the press because we take a position that is different from that that is politically correct but is based on moral certitude that all life has value. Yet we run from the debate, the true Lincoln-Douglas type debates that held open the soul of America, so we can decide not on the basis of opinion but on the basis of historical fact. The basis of historical fact is this: When societies quit valuing life, societies fail to flourish.

We have a nominee who, for whatever reason, vetoes a bill that says: If you are a doctor, you ought to explain yourself if you are going to take the life of a 26-week infant in utero. You should have to get a second opinion. You ought to demonstrate that you are doing what is in the best interest of the mother and child.

It is hard to demonstrate a best interest for a child when you turn it around in the womb, deliver it two-thirds of the way out, and then destroy it. That is a debate we ought to have. It doesn't just apply to the issue of abortion and unwanted pregnancy; it is a barometer of the soul of the Nation. We offer no excuse that can be recognized as valuable for the betterment of society when we don't have that fundamental debate.

There is a flaw, a critical defect in this nominee. If you are going to be charged with the health and services that relate to health and humans in this society, that you are confused on this issue about transparency and accountability of taking the life of an unborn child is a nonstarter with me, not because I dislike Kathleen Sebelius. She is a wonderful lady. But she lacks part of the moral clarity that is required to lead this Nation in the future and to correct where we are off course on so many issues. Her ability from the start, the first day she is sworn in, will be compromised by her position on this issue. The confidence she will require of the Members of Congress who relate to this foundational principle of liberty as an inalienable right and life as an inalienable right will undermine her from the start.

I have no doubt she will be approved today. I mark it as another signpost on

the way to oblivion as a nation when we empower those who don't recognize the value of life in positions that should be guarding that very precept and foundational principle of the Republic. My hope is that the American people, who by 88 percent think this is an atrocious procedure and should never be done, no matter what parameters are put on it, will wake up and say: What are we doing? What are we doing?

For those reasons, and those reasons alone, I will vote against the nomination of Kathleen Sebelius.

I suggest the absence of a quorum and ask unanimous consent that time under the quorum call be divided equally.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. 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.

THE BUDGET

Mr. BENNETT. Mr. President, we are in the midst of a nomination discussion, and that takes place in the midst of a health care discussion. Last night, the House and Senate conferees struck an agreement on the budget resolution that will clear the way for final votes later this week, but it includes reconciliation instructions for health care and student loan forms which are quite controversial. We are told the reconciliation would not be used until after October 15, and some might find that reassuring. I am not one of those who does because if we are going to deal with the health care problem, we must recognize that it is enormously complex.

Health care spending is projected to be 17.6 percent of our GDP, which is nearly one-fifth of our economy, and a bill dealing with that is going to have to be scored by the CBO before any committee can report it out. At the moment, there is only one bill with respect to health care that has received a CBO score. It is the bill offered by Senator WYDEN and myself, along with 12 cosponsors, known as the Healthy Americans Act. It has been scored by the CBO as revenue-neutral during its first 2 years and then saving money for the Federal Government thereafter. With 12 cosponsors—a mixture of both Republicans and Democrats—it would seem to me that this would be the bill from which we begin our discussions in a truly bipartisan manner, and it would not require the straitjacket of reconciliation to make it possible for the majority to move ahead. We have a score. We have a framework. We have language. It is not perfect. Even some of the cosponsors have indicated that in its present form they might vote against it, but at least it is a place to

begin. It is a place to start the conversation. We do not need the kind of enforcement of majority rights that reconciliation would give us.

To start over again fresh with a proposal from the administration would mean that a bill has to be drafted—something we have already done; the bill would have to be referred to CBO—something we have already done; CBO would have to go through the difficulties of scoring it—an enormous challenge. I don't believe they would be able to get all that done in a timely fashion. Then we would be told on the floor: Well, we have run out of time. We have to deal with health care so we are going to move to reconciliation as the way to jam the thing through in a hurry. Let's understand right here in the beginning that that kind of activity is not required.

Let's turn to Gov. Kathleen Sebelius and her role with respect to the health care debate. My normal pattern has always been to say that the President has the right to whomever he wants, and I have not voted against Presidential nominees unless I felt they were completely inappropriate or incapable of carrying out their duties.

I have respect for Governor Sebelius. I think she is a valuable and potentially productive appointment for the President, but I have reluctantly come to the conclusion that she is the wrong appointee for this particular assignment. She has backed a partisan process for health care reform. She refuses to support patient safeguards and comparative effectiveness research, and, perhaps most strongly for me, she has already endorsed a Government-run public health care plan, something I would have to vote against. I think most of my colleagues—if not all of my colleagues on the Republican side—would vote against it, not for partisan reasons but for the flat fact that it doesn't work. We have seen examples of that throughout the world, and we understand it doesn't work.

I have constituents who have relatives and friends in Canada who come to me and say: Based on our experience with our relatives and friends in Canada, we absolutely do not want a Canadian system. This is just an anecdote, but it is illustrative of the kind of thing that goes on in the Canadian system where they ration care by delay. They don't ration it by regulation, they simply ration it by delaying the ability of people to get access. As has been reported to me, if you can demonstrate as you go into the Canadian system that there is some problem related to heart disease, you get moved to the head of the line. So some of my constituents have told me that their relatives in Canada have discovered that if they go to see a doctor with a cold or with the flu or with some other problem, they always say, "And this threatens my potential for heart disease" in an effort to get ahead of the line and move forward in the Canadian system that would otherwise delay

their access to a doctor. If you haven't learned that trick, you wait for 3 months, 6 months, whatever. This is the kind of Government-run public health plan Governor Sebelius has indicated that she would support.

There is also the troubling problem that she failed to disclose relevant information to the Finance Committee with respect to her taxes. We have had that happen with other Cabinet nominations, and it has become something of a cause celebre with many Americans who are following this. It has become the butt of jokes on the late-night talk shows. It is unfortunate that she has fallen a victim to that as well.

She has also been less than forthcoming with respect to her relationships with some of her political donors. She had a political relationship with a doctor who was involved in partial-birth abortions and was obviously anxious to see to it that he had access to public officials who would support him in that. That is an issue which carries a great deal of influence with my constituents, and it is another one that troubles me.

So while I think Governor Sebelius might be well qualified for some other position, I do not intend to support her for this position. As we deal with health care problems, the Secretary of Health and Human Services is a key player in helping us solve this problem, and I believe she carries a little bit too much baggage for this particular assignment.

So once again we have the framework for a bipartisan solution. It can be the beginning point of the discussion. A bill has been written around it, and it has been scored by the CBO. Why don't we start with that instead of threatening reconciliation for a whole new program that might start with the administration?

I thank the Chair and yield the floor.

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

Mr. GREGG. Mr. President, I understand the Senator from New York wishes to be recognized for 5 minutes, so I ask unanimous consent that I be recognized for 10 minutes following the Senator from New York.

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

The Senator from New York.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes and that Senator GREGG be recognized following my remarks.

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

SOJOURNER TRUTH

Mrs. GILLIBRAND. Mr. President, today is a very special day for me. As a woman and a New Yorker, it thrills me that today we are honoring one of the earliest and greatest figures in the history of women's rights and civil rights: Sojourner Truth. We are placing

a statue of Sojourner Truth in Statuary Hall today—the first African-American woman to have a statue in the Capitol. She will be the 12th woman depicted in works of sculpture among the 92 sculptures of our male leaders. From this day forward, Sojourner Truth's groundbreaking work advancing the basic rights of women will be given its due prominence beside so many other great Americans in the seat of our democracy.

Sojourner Truth was born Isabella Baumfree as a slave in 1797 who never learned to read or write, yet became an all-important messenger for truth and equality. Although beaten and branded, she responded with dignity and faith rather than hatred and violence. Her views were shaped not only by her personal hardships—enslavement, daily beatings, grueling work, and seeing her 13 children kidnapped and sold away—but also from an innate understanding that equality is an inalienable American right and should not be ascribed based on gender or color.

Once freed from bondage in 1817, she changed her name to Sojourner Truth, telling her friends that the spirit had called her to speak the truth for justice. She then traveled our Nation speaking honest words about the shortcomings of the American dream—the stain that slavery and injustice imposed on America's life and laws and noting for all to see where the reality failed to reflect the noble tenets of our Founding Fathers. She dedicated her life, indeed, she risked her freedom, to oppose the trappings of injustice and prejudice.

Despite being born into slavery, stripped of any legal standing, protection, or property, and denied any access to education, Sojourner Truth understood that freedom and equality are fundamental rights. Embracing our greatest traditions and arguing with simple passion that neither gender nor color could overpower justice, she demonstrated a courage and a conviction that compels us to act today, almost 125 years after her death.

Sojourner Truth raised her voice without a chorus of women behind her. Most abolitionists questioned her determination to link women's rights with the abolition of slavery. She rejected their concerns, asking them the direct question they couldn't avoid: "And ain't I a woman?" With those few words, she refused to parse justice. With those few words, she forced audiences past and present to recognize that human dignity and respect are part and parcel of who we are as Americans—male or female, African-American or Caucasian, educated or not. Sojourner Truth represents the courage that the American ideal imparts and calls all of us to action.

As we honor this bold, daring New Yorker today, I am also proud that New York has time and time again helped to foster those who have chosen to carry on her fight. Today, I can think of at least two others committed

to justice who, though from very different backgrounds, continually risk themselves for justice and human rights.

The battles fought by Sojourner Truth were not left only as lessons of history, but they stood as a beacon of hope for the next generation to carry the torch one mile further. One of the next in our history to carry on the cause for equal justice was Eleanor Roosevelt.

Eleanor Roosevelt could have been content with a life defined by privilege and limited education. But like Sojourner Truth, she travelled the nation and indeed the world to fight for equality and human rights. Like Sojourner Truth, Eleanor Roosevelt raised her voice to attack segregation and gender bias. Like Sojourner Truth, she risked her life to practice what she preached and to hold us accountable when we wanted to turn our back on justice and American ideals. Like Sojourner Truth, Eleanor Roosevelt told us that we “must hazard all we have” to make the American dream real. She told us that employment, housing, education, health care policies that favored the privileged undermined us all, that women had a critical role and responsibility, and encouraged women to run for office, to organize, to get out the vote, and to reach across party, gender, and racial lines to get the work done.

Eleanor Roosevelt took this same determination with her to the United Nations where, like Sojourner Truth, she used strength and grace to advance the recognition of equal rights. Embracing her responsibility as the only woman on the American delegation and one of the few women delegates to the General Assembly, she played an instrumental role in drafting the Universal Declaration of Human Rights in 1948, especially the concept as stated in article 1, that “all human beings are born free and equal.”

Just as Sojourner Truth had done in a century before and Eleanor Roosevelt had done decades earlier, the cause was enlisted by another great woman. Recognizing that equality had not yet been achieved, Hillary Clinton stood and fought for the rights of women. As first lady, Hillary Clinton understood the political costs of speaking out forthrightly for women’s rights and human rights. Yet like Sojourner Truth and Eleanor Roosevelt before her, she would not ignore the rights and needs of women despite the possible diplomatic repercussions.

She travelled to China in 1995 and stood before the world to oppose injustice and to proclaim that “once and for all, women’s rights are human rights and human rights are women’s rights.”

How Sojourner Truth must have relished that moment. From Akron, OH, Beijing, China—from newspapers to the Internet and C-SPAN—their message spanned the globe.

Hillary Clinton played an instrumental role in the dedication we celebrate today. Hillary Clinton and SHEI-

LA JACKSON-LEE were inspired by the efforts of Dr. C. Delores Tucker, former chair of the National Congress of Black Women, to formally recognize Sojourner Truth in the U.S. Capitol. They felt that the unfinished portion of the monument to suffragists was surely intended to hold the image of Sojourner Truth. After long consideration, it was determined to carve a unique place for Sojourner Truth—appropriately so as the first statue in Emancipation Hall.

And now it stands erect in the Capitol Visitors Center for all to see. As the Senator from their home state, I am so grateful to be here today to honor Sojourner Truth. Her courage and her vision are timeless and bold and brave—Her statue will be a constant reminder that our rights must never be taken for granted and that with these rights come the responsibility to enforce them.

To honor Sojourner Truth and all women before us, we continue that struggle as there is still much to do. Today the fight is for equal pay and recognition in the workplace. Even in 2009, for every dollar a man earns, a woman makes just 78 cents. And the disparity is even worse for women of color, with Latino women earning only 53 cents and African-American women earning 62 cents on the dollar. Working women and their families stand to lose \$250,000 over the course of their career because of pay inequity. It is unacceptable, and it needs to change. The Paycheck Fairness Act introduced by then-Senator Hillary Clinton and Rep. ROSA DELAURO is an important step towards that goal. I proudly join in helping carry Secretary Clinton’s work towards equality here in the Senate.

These steps towards equality for all are our duty. As Eleanor Roosevelt often said, “we are all on trial to show what democracy means.” We have made such important strides, but we still have a long way to go.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from New Hampshire is recognized.

THE BUDGET

Mr. GREGG. Mr. President, I rise to speak about the soon to be pending issue of the budget. We are told that the Democratic membership of the House and Senate reached agreement last night on the budget proposal. They didn’t seek our advice or counsel on it. It is pretty much the outline of the budget as requested by the President.

There has been a lot of discussion about whether the President inherited a terrible situation. I think he did, from a fiscal standpoint. He has had difficult issues to confront relative to stabilizing our financial industry and trying to get the economy going and addressing the issues which most Americans are concerned about, which is their jobs, the value of their homes, the ability to pay their bills, and to send their kids to college.

What the President inherited is important, but what he is bequeathing to the next generation is even more im-

portant. This budget he proposed is an outline of where he sees the Government going and where he sees this Nation going.

Regrettably, the budget as proposed by the President, which has been worked on here by the Senate Democrats and the House Democrats, puts forward a picture that basically almost guarantees our children will be inheriting a nation with a government that is nonsustainable. The President’s budget proposed a trillion dollars of deficit, on average, for the next 10 years. That is a number that is hard to comprehend. But to try to put it into perspective, the effect of that number is that the debt of the United States will double in 5 years and triple in 10 years. If you want to put it in another perspective, take all the debt created since the founding of our Nation, from George Washington through George W. Bush—all that debt that has been added to the backs of the Nation’s people—and President Obama’s budget doubles that debt in 4 years, which is a staggering event.

The implications are pretty dramatic for the next generation. The public debt of the United States will go to 80 percent of GDP fairly quickly under this proposal. The historic public debt of this country has been 40 percent of GDP. That means the amount of debt out there in relation to the size of the economy will have doubled.

That has dramatic ramifications. For example, at that level of public debt through the economic activity in our country, we as a nation would not be allowed to enter the European Union because we wouldn’t meet their standard for fiscal responsibility. Countries such as Latvia, Lithuania, and Ukraine, which all have very serious issues, might qualify for the European Union, but we would not because of the fact that our debt was so high as a percentage of our economy. It means our people, who have to pay that debt, will have to pay an inordinate amount of taxes in one of two ways to pay that debt off. Either they will have to pay more taxes because the Federal Government will inflate the money supply in order to pay off this debt, which is the worst tax there is—inflation—because it takes away the savings of all of the American people or you will have to significantly increase taxes on every American, not just the high-income Americans, as was represented by this President that he wants to do, and the Democratic Congress and Senate said they want to do; all taxes will have to go up astronomically in order to pay for the debt.

What is driving this massive expansion of debt our children and we are going to have to pay as a result of this budget that is proposed by the President? Well, it is spending. Very simply, it is spending. The President proposed, and the Democratic Congress will bring forward, a budget that significantly increases the spending of the Federal Government. Historically, the spending

of the Government has been about 20 percent of the GDP. Under this budget, it goes to 22 percent, 23 percent, 24 percent, 25 percent—it gets up to levels that have never been seen, except during the time of World War II. They are unsustainable levels of spending. It is being done with a pure purpose, which is, I guess, to Europeanize the American economy and the American Government, to basically have the Government become the largest and most significant player in our economy and to dominate all aspects of our economy because of its size.

The President is very forthright about this. He says he believes that by growing the Government significantly, he can create more prosperity. Those on our side of the aisle disagree with that. We believe a government has to be affordable for a nation to have prosperity. We also think prosperity doesn't come from the Government, it comes from individuals who are willing to take risks and go out and create jobs by taking those risks. This is a fundamental disagreement. This budget lays that out precisely.

We are going to hear from the other side of the aisle the most disingenuous discussions about how they have been much more responsible on the budget, while they claim they are doing exactly what the President is doing in his budget. The reason they make that statement is because they cook the books. At least the President was forthright and he came forward with a budget—except in the area of defense—which set forth in a reasonably honest way what the costs to the Government were going to be and, as a result, it reflected the fact that because of his huge commitment in new spending programs, the cost of Government was going to be extraordinary, and the amount of debt that was going to be added to the books of the Government and the backs of the American people was going to be untenable and unsustainable.

The other side of the aisle, I guess because they recognize they are going to be up for election before the President, doesn't want to have those numbers out there. So they have gone back and played a lot of games with the numbers the President sent up. For example, the President honestly represented the fact that we are not going to get revenues from the alternative minimum tax, because every year we basically limit the amount of applicability of the AMT. But the baseline reflects a huge income of the AMT. It says 20 million people are going to pay it. But we are not going to allow that to happen, because it wasn't designed to affect 20 million people but the top income producers in this country—probably less than a million people. So every year we basically change the law so that for that year the AMT doesn't apply. The President was forthright and said I know that will happen and I am not going to account for this revenue that never comes in. So he scored the AMT fairly.

The other side of the aisle games that number.

In the area of the doctors' fix, every year we know we are going to have to pay doctors a reasonable amount for their services under Medicare. Unfortunately, we have a law in place that keeps cutting that amount. This year it will be cut almost 20 percent over the baseline, in an arbitrary and foolish way. We should fix this permanently, but we don't have the courage to do it because of the effects on the budget. So we have used all sorts of gimmicks over the years—and everybody admits to this—so that we didn't have to fix that over a long period of time and correct that problem, even though we know every year we are going to adjust and make that payment to doctors.

Well, the President was forthright and he said, listen, that is not fair, honest accounting. We are going to tell you exactly what the doctors' fix costs, and we are going to account for it in the budget.

What does the other side of the aisle do? They hide that number again. They go back to the old rules. Those two items alone represent \$100 billion of annual spending, which is being put under the rug. The President was honest enough to talk about it, but this Democratic Congress and Senate, in an attempt to obfuscate the issue for the American people, because they don't want to tell the people how much money they are spending, they stick that \$100 billion under the rug.

Then there is the health care reform. At least the President—even though I disagree with some of his philosophies, and I hope we can have a bipartisan approach, and I support the Wyden-Bennett bill floating around this Congress—at least the President, in proposing his health care reform, said he was going to account for paying for half of it—\$600 billion he put into the budget to pay for his health care reform. He acknowledges that is about half the cost of a \$1.2 trillion program over the time of his budget.

What does the other side of the aisle do when they bring this budget forward? They don't account for any of it—none of it. It disappears off the books. Not only is the \$1.2 trillion not there, the \$600 billion is not there. How outrageous, to claim they are going to bring the deficit down to 3 percent of GDP in 2014, when they have basically hidden under the rug the AMT cost, the doctors' fix cost, and the most significant fiscal issue, health care reform. It is so disingenuous, it is almost unbelievable. But they are going to do that, and I suspect it won't be covered in any depth. To claim they are going to cut the deficit in half, which is a classic example of language over substance, will be the mantra of the day. They say they are going to cut the deficit in half. They claim they are going to cut it by 75 percent, because they are going to take a \$1.8 trillion deficit and allegedly cut it to \$550 billion in 4 years.

Let me point out to you that \$550 billion is too big. It is like saying we are going to take six steps backward and two steps forward and claim we are moving in the right direction. Of course they are not. Equally important, the \$500 billion number is a total fraud. It is a fraud on the American people brought forward in this budget.

Please, please, please do not subject the American people to this sort of disingenuousness. At least have the integrity the President had when he presented the budget of accounting for what we know are real numbers, such as AMT, the doctors fix, and the health care reform initiative proposed by the President and supported by the other side of the aisle.

That is the substantive problem with this budget; that it creates all this debt, all this spending. It takes the Government of the United States and lurches it to the left. It Europeanizes our Nation, for all intents and purposes, and passes on to our kids a government that is not sustainable.

It is ironic that we hear from the Budget chairmen, both in the Senate and the House, that the outyear numbers are unsustainable under this budget. The outyears are so unsustainable under their budget that they eliminated the last 5 years of the budget. The President sent up a 10-year budget to have some integrity around here. The other side of the aisle said: My goodness, we can't tell the American people what is going to happen to them over the second 5 years. It is bad enough what we are going to do to them in the first 5 years. We are going to eliminate the second 5 years and do a 5-year budget and not tell them about the second 5 years.

Both Democratic chairmen of both committees in the House and Senate have said we are on an unsustainable path. What do they do about the unsustainable path? They hide the numbers under the table, they do not admit to the spending, they allow the spending to go up radically, and there is absolutely zero—zero—savings on the spending side of the ledger, especially in the entitlement accounts which is at the core of what is driving the outyear problem.

Ironically, a couple of the ideas the President sent up to save money were dropped, simply dropped. For example, he proposed some savings in the agriculture accounts which were very reasonable. They disappeared. He proposed some savings in the Medicare accounts which were very reasonable. They disappeared. But that is a minor story compared to the trillions of dollars of new debt that is going to be put on the backs of our children.

By the time this budget has run its course, it will have added well over \$9 trillion, under the President's calculations, to the debt of the United States. Who is going to pay that? Who is going to pay that? First off, who is going to lend us the money? At some point, the countries that are lending us this

money, the international community that looks to us and lends us money so we can run these massive deficits, is going to say: Why? Hold it. We don't know if they can pay off all this debt. At that point, the value of the dollar is at risk. At that point, the ability of us to sell debt is at risk. At that point, our Nation starts a downward fiscal spiral which will be extraordinarily disruptive and dangerous for us as a nation. This is not a good path to be on.

There are also a couple technical points that should be pointed out because they are procedural points that have massive policy implications. First, of course, is this really pyrrhic claim they are using pay-go as a disciplining mechanism. How many times have we heard that pay-go is going to be used to discipline spending. My goodness, in the last Congress, which was dominated by the Democratic Party, if I recall correctly, the House and Senate both being democratically led, pay-go, which was supposed to discipline the fiscal process around here, was waived almost 20 times—either waived, avoided or circumvented almost 20 times. Those exercises cost us almost \$400 billion in spending that should have been offset. So pay-go became “Swiss cheese-go.” It had no value and was a worthless purpose, other than to make a political speech and claim on the stump: Oh, I am for fiscal discipline. I am for pay-go. Of course, when you voted in the Senate over the last 2 years, if you made that speech and up for reelection and you were a Democrat, you basically waived pay-go, circumvented pay-go or avoided pay-go to the tune of \$400 billion in new spending.

Now we have the House Blue Dogs saying: We are going to get tough pay-go language back in place. I have to explain something to the House Blue Dogs: They didn't get it. They didn't give it to you. The budget that is going to come to the floor of this Senate is going to have structural changes which allow pay-go to be avoided for up to \$2.5 trillion, at least that is what the House budget had in it, and the Senate budget was pretty close. Mr. President, \$2.5 trillion will circumvent pay-go.

The most egregious exercise will be in the health care area, where they have formally ended pay-go's applicability during the first 5-year window. They basically say openly: We are not going to comply with pay-go on health care.

Health care is going to be the single biggest fiscal event this Congress has probably taken up in the last 20 years, maybe 30 years, maybe 40 years, maybe ever. Restructuring the health care of this country is a pretty doggone big exercise since it represents 17 percent of our economy. To say they are not going to apply pay-go to that exercise, to that effort, to that undertaking is to drive a hole through the pay-go concept that is so big it becomes not “Swiss cheese-go” but a great big, huge

onion ring; there is basically nothing left but air in pay-go.

When the Blue Dogs on the other side of the aisle start marching around: We have pay-go, we have pay-go, somebody ought to point out to them that their banner does not have a flag on it. Pay-go was taken down under health care rules and under the rest of this bill. It may make for a good press release, but it sure as heck doesn't have any substance to it.

The second procedural event, of course, is this issue of reconciliation, which is a major issue for us on our side of the aisle, and it should be for the Senate. When the Senate was constructed, when our constitutional form of Government was put together, the idea was to have balance so we had a House of Representatives where things might happen quickly, but when it got to the Senate, there would be an airing, a hearing, consideration, and there would be due diligence on issues. That is why it was George Washington who described the House as the cup with the hot coffee in it and the Senate as the saucer into which the hot coffee is poured so it can be cooled down a little bit.

The Senate is institutionally and constitutionally structured to be the place where we have debate, we have discussion, and we have amendments. That is the whole concept behind the Senate, especially on issues of massive public policy implications, and there is probably nothing we are going to take up on the domestic side of the ledger that has a bigger public policy implication than the rewriting of our entire health care system.

Yet what is being proposed is that this rewrite of the entire health care system be done in a way that allows the Senate only 20 hours of debate, with essentially no amendments and with an up-or-down vote, yes or no, on something that affects 17 percent of the gross national product of this country, that affects every American in every walk of life in a very significant way, and that is how is their health care system delivered.

Why wouldn't we want to have a full and clear, hopefully, and significant discussion of what we are doing to the American public and what the policy implications of health care reform are on the floor of the Senate? If we are going to get a good piece of legislation, we are going to have to have bipartisanship and going to have to have the American people believe it is fair. You cannot pass something as significant as health care and do it in a crammed-down manner, in a manner where it is totally partisan. Yet reconciliation is structured to accomplish just that.

You have to have every stakeholder at the table. Granted, we are not going to win all our points, but we may have some points that are constructive to the debate. Let us at least be at the table and make those points on the floor of the Senate through the amendment process. Don't shut this Senate

down and don't make us into the House of Representatives and don't essentially convert our constitutional form of Government, which is checks and balances, into a parliamentary form of Government, where there are essentially no checks and balances on the majority once it has an overwhelming position. That is what is being proposed in the bill when it pushes reconciliation as an option for the majority party in the area of health care reform. It is unfortunate.

I appreciate the courtesy of the Chair.

I ask unanimous consent that all quorum calls during debate on the Sebelius nomination be equally charged to both sides.

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

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Oregon is recognized.

Mr. MERKLEY. I thank the Chair. (The remarks of Mr. MERKLEY pertaining to the introduction of S. 911 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. BUNNING. Mr. President, what is the order of business? Are we in morning business?

The PRESIDING OFFICER. The Senate is considering the Sebelius nomination.

Mr. BUNNING. Mr. President, I have a statement that will take about 15 minutes on Governor Sebelius.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUNNING. Mr. President, I want to say a few words about the nomination of Governor Kathleen Sebelius to serve as our next Secretary of the Department of Health and Human Services. I will not be able to support Governor Sebelius's nomination to this position and will be voting no. I wish to take a few minutes to explain my opposition to her confirmation.

First, I have always been pro life. I believe that life begins at conception and that every life is precious. I believe that we, as a society, have a responsibility to protect those who cannot protect themselves and speak for those who cannot speak for themselves. That

is why I am so strongly opposed to abortion. Abortion kills the most fragile, most vulnerable, and most needy among us. These children cannot defend themselves, so they desperately need us to protect them.

To me, abortion is about whether defenseless babies have a right to live. The answer, clearly, is, yes, they do. I don't understand how people can come away with any other conclusion than that one. Unfortunately, too many people do. According to the National Right to Life, there have been more than 49 million abortions in the United States since 1973, with about 1.2 million in 2005, the year they have the most recent data. These numbers are staggering and saddening.

I cannot support the nomination of someone to be the leader of our Health and Human Services Department who does not respect human life. That is why I will be voting against Governor Sebelius. Her record as Governor of Kansas on abortion issues is dismal. She has vetoed multiple pieces of legislation passed by the Kansas legislature dealing with abortion, including bills in 2003, 2005, 2006, and 2008. In fact, last week she vetoed yet another bill.

These were commonsense bills that I think most Americans could agree with, such as creating standards for abortion clinics that require clean and sterilized rooms and equipment, counseling before and after abortion, and medical screening for patients. Several of the bills dealt with changes to the Kansas late-term abortion laws, including one vetoed last week. That bill required certain information to be reported to the State when doctors perform late-term abortions, including the specific medical reason the abortion was performed. Another bill would have given women about to undergo an abortion the opportunity to listen to the baby's heartbeat and see an ultrasound of their child, along with several other provisions. Governor Sebelius vetoed all of these bills.

I am also greatly concerned about Governor Sebelius's relationship with Dr. George Tiller, an abortion doctor from Wichita, who specializes in late-term abortion. On Dr. Tiller's Web site he says that his clinic has "more experience in late-term abortion services over 24 weeks than anyone else practicing in the Western Hemisphere, Europe, or Australia." This is not something to be proud of.

I know that pro-abortion supporters like to make the argument that unborn babies are a clump of cells and not yet a human being. They couldn't be more wrong. These unborn babies are developing, growing, can feel pain, and certainly have the will to live. Let me briefly give a description of the development milestones that babies reach as they grow to 24 weeks. This is according to the Mayo Clinic's Web site—the Mayo Clinic: At 5 weeks, the heart begins to beat. At 8 weeks, eyelids are forming, along with the ears, upper nose, fingers, lips, and toes. At 9 weeks,

the baby begins to move. At 12 weeks, fingernails and toenails are forming. At 16 weeks, the baby's eyes are sensitive to light. At 18 weeks, the ears start working and the baby can be even startled by loud noises. At 19 weeks, the kidneys are working. At 20 weeks, most mothers can feel their babies move. At 22 weeks, taste buds are forming. At 23 weeks, the baby begins to practice breathing so she will be ready once she is born. At 24 weeks, the baby weighs about a pound and a half, has footprints, and fingerprints, and starts to have regular waking and sleep cycles.

The Web site says that babies formed at 24 weeks have a 50 percent chance of survival. And this is where Dr. Tiller steps in and aborts the baby. How can you hear these development milestones and believe these babies are expendable; that these babies' lives are less important than someone else or that they simply can be killed and thrown away?

Think of the difference between two babies at 24 weeks—one is wanted, one is not. For the child born early, whose parents love and want her, she would be rushed to a neonatal intensive care unit after delivery, where she would be given round-the-clock intensive medical care until she was big and strong enough to go home. Every day in this country, premature babies cling to life and fight for survival. I think most of the parents of premature babies would tell you that their child's will to live is courageous and inspiring.

For the poor babies who have parents who choose to abort them, their life is about to end. According to Planned Parenthood, a procedure called dilation and evacuation—or D and E—is generally performed in pregnancies over 16 weeks. Let me read how the National Right to Life organization describes this procedure:

Forceps with sharp metal jaws are used to grasp parts of the developing baby, which are then twisted and torn away. This continues until the entire baby is removed from the womb. Because the baby's skull has often hardened to bone by this time, the skull must sometimes be compressed or crushed to facilitate removal.

That is disgusting, and anyone who tries to justify it should be ashamed. Abortion and the callous disregard for human life in this country is a real tragedy. George Tiller's work greatly concerns me. Governor Sebelius's ties to George Tiller greatly concern me. The late-term abortion doctor has donated tens of thousands of dollars to Governor Sebelius, and she has even honored him at the Governor's mansion in Kansas.

Governor Sebelius hasn't always been upfront about their relationship as well. In answering questions before the Finance Committee, Governor Sebelius originally said that Tiller had donated about \$12,000 to her. A few days later, she had to go back to revise that amount because somewhere an additional \$23,000 in donations from the

abortion doctor had been overlooked and not accounted for. While she said this was an inadvertent omission, it seems to me that you would remember that sum of money from one of your most controversial donors.

I certainly realize that President Obama would not nominate someone to be Secretary of the Department of Health and Human Services who is pro life. However, Governor Sebelius's record on right-to-life issues along with her ties to the late-term abortion Dr. Tiller cannot be overlooked. The leader of the Department of Health and Human Services should be balanced and reasonable. There is nothing in Governor Sebelius's record that makes me think she is either when it comes to protecting the life of the unborn.

The second major reason I am opposing this nomination is that I don't believe Governor Sebelius has the experience to be Secretary of the Department of Health and Human Services. HHS is an enormous bureaucracy, responsible for everything from the Medicare Program to the National Institutes of Health, to the Food and Drug Administration. The Department has 11 operating divisions, over 64,000 employees, and a budget of \$707 billion. According to HHS's Web site, it allocates more grant dollars than all of the other agencies combined. This is a tremendous responsibility, and the Department needs someone with hands-on experience.

As Governor of Kansas, she appointed someone to run their health and human services department and was not directly responsible for the day-to-day operation. As Congress considers major health care reform legislation this year, we need someone with extensive experience in setting health policy for the entire country.

I fundamentally disagree with Governor Sebelius on life issues, and I do not believe she has the experience to lead such a large department. I will be voting no on her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I rise in support of the nomination of Gov. Kathleen Sebelius to be Secretary of HHS. I do so enthusiastically. I do so as a personal friend of Kathleen's. I do so as a fellow public servant who has observed her considerable public service to her State of Kansas and to the people of this country.

A dozen years ago—a little more; it was actually about 14 years ago—she was elected, unusually, as a Democrat in Republican Kansas, to a statewide office known as insurance commissioner. It is a little-known and thankless job but one that has traditionally been under the thumb of the insurance industry. She came out of the Kansas Legislature, so she had a good schooling in the art of political craft. Indeed, that started long before she ever entered the Kansas Legislature because her dad was the Governor of Ohio. So it

is in her genes. Her father-in-law was the longtime Republican Congressman from Kansas. In that very Republican State, they elected a Democrat as the insurance commissioner. It was not a close election, but it was one in which, once she was installed as insurance commissioner, she started showing people who was boss. The elected representative of the people of Kansas was going to administer the laws with regard to the protection of consumers, which is the purpose of having an insurance advocate for the people.

Only a few States continue to elect their insurance commissioner. It is known as the office of the revolving door since most of the insurance commissioners are appointed. The revolving door starts with the insurance industry having a representative who is appointed by the appointing authority, usually the Governor, because someone who is knowledgeable about insurance has to be insurance commissioner. But, indeed, the door continues to revolve, and the average time of service for an appointed insurance commissioner is less than 1 year. As a result, as you watch the door revolve, they come in from the insurance industry, become the top regulator of the insurance industry, and on the average, in less than a year, the door revolves and they are out the door and they are back in the very industry from whence they came. That is not the smartest way to have an insurance regulator.

Kathleen Sebelius defied that model. As the elected insurance commissioner of Kansas, she stood up for consumer rights and she cracked the whip to get the insurance companies to offer this product that has now become a necessity, not a luxury. Why? You can't drive a car without insurance. You can't own a home, if you have a mortgage, without insurance. You better have some life insurance if you are planning for your family.

By the way, we have not even talked about health insurance. A huge percentage, well over a majority of the people in this country, get their health insurance through their employer. As we approach the issue of health care reform, what to do about insurance is going to be front and center, and Governor Sebelius is uniquely qualified to address this issue. We have 47 million people in this country who do not have health insurance, but they get health care. Where do they get health care? They get it from the most expensive place, which is the emergency room, and they get it at the most expensive time, which is when their symptoms have turned into a full, raging emergency. Therefore, because they did not have health insurance, they were not seeing a doctor for preventive care, and all of this additional cost, plus the additional costs of being treated in an emergency room—guess who pays. All of us pick up that tab. That, additionally, is plowed back into the costs we pay for health care, in large part through the insurance premiums we pay.

Governor Sebelius is someone who has been there, she has done that. She knows how this insurance system operates. She knows the parameters in which you have to offer health insurance to people in order to make it work. She understands the financing behind it. She is uniquely qualified for this position of Secretary of HHS.

Since I have the privilege of being a personal friend, I have known her over these 14 years in our capacities as elected insurance commissioners, she from Kansas and me from Florida, and then as I have continued to see her in her public service, then having gone from insurance commissioner to Governor, she comes at a time when this Nation is begging for health care reform. The President has chosen Kathleen in this exceptionally important position to not only use her skills as a former regulator where she can crack the whip but to use her skills as a person who can bring people together, who can reconcile, who can build consensus—which she has honed over the years and I suspect honed those skills at the knee of her father as she was growing up. She honed those skills as a public servant—as a legislator, as an elected statewide official, as the Governor, and now she will be the right person at the right time whom this Nation needs—a very good Secretary of Health and Human Services.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The PRESIDING OFFICER. The Senate will resume consideration of S. 386, which the clerk will report by title.

The bill clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

Mr. DURBIN. Mr. President, we have on the Senate floor a piece of legislation that has broad bipartisan support and that addresses an urgent national need.

Our country has seen a wave of white-collar fraud that has undermined the financial and housing markets and shaken our entire economy.

In recent years, there simply haven't been enough cops on the beat in the

mortgage and financial markets. After 9/11, the Department of Justice, the FBI, and other agencies shifted their attention away from financial fraud investigations to focus on other important concerns. At the same time, we saw financial deregulation, the boom in subprime and exotic mortgages, and the evolution of mortgage-backed securitized instruments. These developments created a wealth of opportunities for fraudsters to rip off hard-working Americans.

We know now that there is a wave of fraud sweeping the country. The Treasury Department is receiving 5,000 mortgage fraud allegations per month. The FBI now has more than 530 open corporate fraud investigations, and FBI officials report that their fraud caseload is growing exponentially. And Americans have been stunned by recent revelations of massive Ponzi schemes and the manipulation of financial markets. It is simply unacceptable for this Congress to stand idly by and watch these fraudsters rip off the American people. We need to act. And we have a bill on the floor of the Senate right now that would take strong and effective steps to catch the perpetrators of these frauds and protect the taxpayers.

The Fraud Enforcement and Recovery Act, sponsored by the chairman of the Judiciary Committee, Senator LEAHY, and the ranking member of the Finance Committee, Senator GRASSLEY, is carefully crafted and widely supported on both sides of the aisle.

The bill makes important improvements to the criminal fraud statutes. These provisions will strengthen prosecutors' ability to combat fraud in the mortgage and financial markets. The bill also puts more cops on the beat in the financial markets. It authorizes the hiring of hundreds of FBI and SEC investigators to focus on mortgage and financial fraud. It provides \$100 million for new white-collar prosecutors in U.S. attorney offices, and it bolsters the resources of the Criminal, Civil and Tax Divisions of the Department of Justice.

These investments in enforcement are likely to pay off in more ways than just catching criminals. They will lead to increased restitution payments, criminal and civil fines, and monetary recoveries for victims and taxpayers. The Justice Department estimates that for every dollar spent to prosecute fraud at the Criminal Division, more than \$20 is ordered in restitution and fines for victims and the government. So this bill will pay for itself and then some.

The legislation also includes a key provision from a bill that Senator GRASSLEY and I introduced earlier this year to update the Federal False Claims Act. The False Claims Act is known as Lincoln's Law. It was signed by President Lincoln in 1863, and since then it has enabled the Federal Government and whistleblowers to work together to prevent waste, fraud, and abuse of Government funds. The False