

Americans on a personal level, and disastrous for our economy, making us uncompetitive with countries all over the world that have a national health care program.

There is one other point that should be made and that we don't talk about very often. Nobody knows what the exact figure is, but there are some estimates that as many as 25 percent of American workers are staying at their jobs today. You know why they are staying at the job they are at today? It is not because they want to stay at their job. They are staying in their job because they have a good health insurance policy which covers themselves and their families.

Stop and think from an economic point of view, from a personal point of view: Does it make sense that millions of people are tied to their jobs simply because they have decent health insurance policies? What sense does that make?

It is important—and I am sorry to say we don't do this enough—to ask a very simple question: How could it be that, according to the OECD in 2006—the best statistics that we have—the United States spent \$6,700 per capita on health care—we are now spending more—Canada spent \$3,600, and France spent \$3,400? France spends about one-half of what we spend per capita, and most international observers say that the French system works better than our system. So as we plunge into health care reform, it would seem to me the very first question we should ask ourselves is: How do the French, among others, spend one-half of what we are spending and get better outcomes than we do?

In terms of how people feel about their own systems, according to a five-nation study in 2004 by the well-respected Commonwealth Fund, despite paying far more for our health care, it turns out that, based on that study, Americans were far more dissatisfied than the residents of Australia, Canada, New Zealand, and the UK about the quality of care they received. In that poll, one-third of Americans told pollsters that the U.S. health care system should be completely rebuilt—far more than the residents of other countries. Does that mean to say they do not have problems in Canada or the United Kingdom? Of course they do. Their leaders are arguing about their systems every single day. But according to these polls, more people in our own country were dissatisfied about what we are getting, despite the fact that we spend, in many cases, twice as much as what other countries are spending.

It seems to me, as the health care debate heats up—and we hope more and more Americans are involved in this debate—that we as a nation have to ask two fundamental questions. In one sense, this whole issue is enormously complicated. There are a thousand different parts to it. On the other hand, it really is not so complicated. The two

basic questions are, No. 1, should all Americans be entitled to health care as a right and not a privilege—which is the way, in fact, every other major country treats health care. Should all Americans be entitled to health care as a right, universal health care for all of our people?

That, by the way, of course, is the way we have responded for years to police protection, education and fire protection. We take it for granted that when you call 911 for police protection, the dispatcher does not say to you: What is your income? Do you have police insurance? We can't really come because you do not have the right type of insurance to call for a police car or to call for a fire truck. When your kid goes to school, we take it for granted that no one at the front desk of a public school says: Sorry, you can't come in, your family is not wealthy enough. What we have said for 100 years is that every kid in this country is entitled to primary and secondary school because they are Americans and we as a nation want them to get the education they deserve. Every other major country on Earth has said that about health care as well. Yet we have not.

I think right now and I think what the last Presidential election was all about is most Americans do believe all of us are in this together and all of us are entitled to health care as a right of being Americans.

The second question we have to ask is, if we accept that, if we assume all Americans are entitled to health care, how do you provide that health care in a cost-effective way? There are a lot of ways you can provide health care to all people. You can continue to throw money at it.

The PRESIDING OFFICER. The Senator has consumed 10 minutes.

Mr. SANDERS. I ask unanimous consent for 5 more minutes.

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

Mr. SANDERS. You can continue to throw billions and billions of dollars into a dysfunctional system. That is one way you can do it. I don't think that makes a lot of sense.

I think the evidence suggests that if we are serious about providing quality health care to every man, woman, and child in a cost-effective way, then our country must move to a publicly funded, single-payer, Medicare-for-all approach. Our current private health insurance system is the most costly, wasteful, complicated, and bureaucratic in the world. The function of a private health insurance company is not—underline “not”—to provide health care to people, it is to make as much money as possible. In fact, every dollar of health care that is denied a patient, an American, is another dollar the company makes.

With 1,300 private health insurance companies and thousands of different health benefit programs designed to maximize profits, private health insurance companies spend an incredible 30 percent of

each health care dollar on administration and billing, exorbitant CEO compensation packages, advertising, lobbying, and campaign contributions. Aren't we all delighted to know our health care dollars are now circulating all over the Halls of Congress, paying outrageous sums of money to lobbyists, making sure we do not do the right thing for the American people? Public programs such as Medicare and Medicaid and the Veterans' Administration are administered for far, far less than private health insurance.

Let me conclude by saying that I understand that the power of the insurance companies and the drug companies, the medical company suppliers—the medical equipment suppliers—is so significant, so powerful that we are not going to pass a single-payer, Medicare-for-all program. But at the very least, what polls overwhelmingly show is that the American people want a strong, Medicare-like public option in order to compete with the private insurance companies. That is the very least we can and must do for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized as in morning business for such time as I may consume.

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

#### KOH NOMINATION

Mr. INHOFE. I do have a couple of comments to make concerning the remarks by my good friend from Vermont. I will do that at the conclusion of another subject I feel some passion about, and that has to do with the nomination of Harold Koh by President Obama. He is nominee for the position of Legal Adviser to the State Department.

I understand cloture has been filed on Harold Koh. I wanted to come to register my strong opposition and assure the American people that their representatives in Congress are not going to let this nominee sail through unopposed and to let them know there are some of us here in the Senate who will require full and extensive debate before this nominee receives a vote. I think in doing so you almost have to ask the question as to what ever happened to the understanding we have always had in this country as to what sovereignty really means.

As Legal Adviser to the State Department, Koh would be advising the Secretary of State on the legality of U.S. action in the international forum and interpreting and advocating for international law and treaties. The significance of this position and its effect on our sovereignty and security should not be understated. Koh is a self-proclaimed transnationalist. Adherents to this school of thought believe international law is equal to or should take

precedence over domestic law and international court rulings have equal authority to the decisions of a representative government. That is very significant. I know he actually believes this and he adheres to this school of thought, that international law is equal to or should take precedence over domestic law. Koh's transnational principles could have serious implications on U.S. sovereignty, especially regarding the authorization of the use of force in the prosecution of the war on terror, gun rights, abortion, and many other issues.

Koh believes a nation that goes to war should have—must have United Nations Security Council authority, going as far as writing that the United States was part of an “axis of disobedience” by invading Iraq—or should we say by liberating Iraq.

In October of 2002, Koh wrote:

I believe . . . that it would be a mistake for our country to attack Iraq without explicit U.N. authorization, because such an attack would violate international law.

Additionally, he supports ratification of the International Criminal Court, which could subject our troops to prosecution in a foreign court.

Implementation of this interpretation of international law raises a number of alarming questions. If the United States is required to gain U.N. authority for military action, what punitive actions might the United States be subjected to if it unilaterally uses preemptive force? Would our Navy SEALs have had to wait for authorization from the international body before rescuing the American being held hostage off the Horn of Africa? I think 99 percent of American people said they should have that authority and we should not have to go to any kind of an international court.

I don't know where this obsession has come from that nothing is good unless it is international anymore.

In 1992, George Will said:

There may come a time when the United States will be held hostage to . . . the idea that the legitimacy of U.S. force is directly proportioned to the number of nations condoning it.

That was back in 1992, and this is what is happening today. I hope that day never comes. The decisions made to protect our great Nation should not be made by members of an international body but by men and women who are elected by the people of these United States.

Equally concerning is Koh's treatment toward Department of Defense recruiting efforts. In October of 2003—some of us remember this—Koh led a team of Yale law faculty in filing an amicus brief in support of a lawsuit against the U.S. Department of Defense, claiming the Solomon amendment was unconstitutional. The Supreme Court rejected Koh's arguments unanimously. That was at a time when there were very few things that were unanimous in the Supreme Court. He was rejected unanimously.

Writing for the Court, Justice Roberts stated:

Nothing about recruiting suggests that law schools agree with any speech by recruiters, and nothing in the Solomon amendment restricts what the law schools may say about the military's policies.

Further, Koh supports accession to the International Criminal Court, the United Nations Convention on the Law of the Sea Treaty, the United Nations Convention on the Rights of the Child, and the Inter-American Convention Against Illicit Manufacturing of and Trafficking in Firearms. What is this CIFTA that has been promoted by President Obama? That is that we yield to an international group in terms of how we manufacture and distribute weapons in this country.

All of these treaties would greatly impact the lives of everyday Americans and would require the United States to alter its domestic law to meet their respective parameters.

In 2002, Koh spoke at Fordham University Law School about a “World Drowning in Guns.” That gives an indication where he is coming from. His speech was published in the Fordham Law Review. Koh's topic was the international arms trade, but, as usual, his analysis had serious domestic implications. Koh wrote that American legal scholars should pursue “the analysis and development of legal and policy arguments regarding international gun controls” through constitutional research on the second amendment. In other words, Koh believes the best way to regulate guns in America is through international law, through a global gun control regime.

As Legal Adviser, Koh would be in a position to pass judgment on whether a proposed treaty would raise legal issues for the United States, including issues related to the second amendment. He would, therefore, be able to endorse treaties that could be used by the courts to restrict the individual right to keep and bear arms—an idea he is clearly and openly in favor of. It is simply not true to say that his beliefs about gun control—this is what some people say—the second amendment right, doesn't really matter because he will be in the State Department advising on international law. On the contrary, he wants to use international law to restrict constitutional freedoms in this country.

In his position, he will have the power to advise the administration and to testify before the Senate about what reservations might be needed when ratifying a treaty to protect constitutional freedoms. However, he has a history of advocating for treaties without conditions. He cannot be trusted to express reservations with treaties that I believe will negatively impact everyday Americans.

The fact that he is in the State Department doesn't make him safe, it makes him more dangerous. This is exactly where, with the possible exception of the Supreme Court, he wants to

be. This is not an accident. It is his strategy. He realizes he cannot achieve his goals through legislation, so he has turned to international law. If he can establish that international law is binding on the United States, regardless of whether the Senate has ratified the treaty in question, activists can avoid Congress and work the issue through the courts.

If you believe the second amendment confers an individual right to bear arms on the American people, then I urge you to reaffirm that principle by voting against Harold Koh. If you believe our Nation should not be subjected, by a variety of treaties, to threats to our national sovereignty and American way of life, I urge you to reaffirm those values by voting against the nominee.

I mentioned several international treaties he has promoted. It is not just confined to our second amendment rights, it is everything else. The basis of his influence in these areas is that somehow international law should have precedence over our laws. This is something we have been in trouble with for a long period of time. Every time we yield to the United Nations, we end up with a very serious problem. I have talked to a number of our troops overseas who are very much concerned about being subjected to the international court.

Let me make one comment before I yield back any remaining time, and that is on the subject that was discussed by the Senator from Vermont.

#### HEALTH CARE

Mr. INHOFE. It is easy to say, and people will applaud when they say: You are going to end up getting something for nothing. You are going to get an education for nothing. You are going to get a college education. You are going to get health care for nothing. That sounds real good. Someone has to pay for all this stuff.

I suggest that if you go up to the Mayo Clinic in the Northern tier of the United States, you will look and you will see a very large population of patients from Canada who are there; patients who have been told: Well, yes, you have breast cancer. But because you are at a certain age, we are not able to operate on you. If we do, it is going to be a waiting period of some 18 months. At the end of that time, of course, the patient is going anyway.

We are talking about, in this country, we need to do something about it, about the way we have been running our health care system. I think improvements can be made. I remember one time the first lithotripter was used, I believe, in a hospital in my State of Oklahoma, in Tulsa, OK, at St. Johns Hospital.

That was a technique where you could submerge a patient and dissolve different things that were within them, kidney stones and that type of thing. However, they could not use it. So they